THE "CHU SHU" CHAPTER OF THE HUAI NAN TZU: THE SOURCES AND ORIENTATION OF ITS POLITICAL THOUGHT

淮南子主術訓其政治思想之淵源與立場

A THESIS SUBMITTED TO
THE UNIVERSITY OF LONDON
FOR THE DEGREE OF
DOCTOR OF PHILOSOPHY

ROGER THOMAS AMES

SCHOOL OF ORIENTAL
AND AFRICAN STUDIES

1978

ProQuest LLC.
789 East Eisenhower Parkway
P.O. Box 1346
Ann Arbor, MI 48106 – 1346

ABSTRACT

THE "CHU SHU" CHAPTER OF THE HUAI NAN TZU: THE SOURCES AND ORIENTATION OF ITS POLITICAL THOUGHT

ROGER THOMAS AMES

The "Chu Shu" chapter of the Huai Nan Tzu, because of its frequent use of Fa-chia terminology and allusions, has often been characterized as a Fa-chia document. While first impressions do suggest a Fa-chia oriented political philosophy, a more careful study of the sources and perspective of its basic precepts demonstrates that this is not the case. By isolating the main concepts and themes dealt with in this chapter and comparing them with their pre-Ch'in antecedents, we are able to ascertain both the debt owed to the earlier traditions and the orientation of the "Chu Shu" political theory relative to these earlier schools of thought.

In the preparation of this thesis, the first step is to identify and isolate the most important concepts in the "Chu Shu" chapter. Secondly, we trace the origins and evolution of each of these concepts through pre-Han sources to determine their development and significance. With a reasonably confident understanding of the historical significance of these concepts at hand, we then analyze the "Chu Shu" interpretation, and undertake a detailed comparison between the historical concept and its "Chu Shu" counterpart. In so doing, we have been able to locate the sources and to determine the orientation of the "Chu Shu" chapter's political thought.

Appendix I contains an annotated translation of the "Chu Shu" chapter. In Appendix II we examine the usage of fa 法 in texts prior to the emergence of the Fa-chia school, and conclude that only well into the Warring States period when the Fa-chia theorists had taken over this character and injected it with their own meaning did it come to connote "penal law". Finally, in Appendix III we attempt to demonstrate that the final portion of this "Chu Shu" chapter is a later accretion.

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PREFACE

An important compendium of existing knowledge was presented to the court of Wu Ti during the first century of the Western Han. This text, the Huai Nan Tzu, takes its name from the Prince of Huai Nan, Liu An, who gathered scholars and adepts from all over the empire at his court. This assemblage of learned men conferred, researched and wrote as the house guests of the Prince, and contributed their efforts to his anthology. The eclectic and composite nature of this anthology, the difficult language characteristic of early Han literature and an abundance of textual problems have traditionally dissuaded scholars from giving this text the attention which its contents deserve.

This anthology covers many of the basic ideas and beliefs which had evolved during the formative years of the Chinese religio-philosophical traditions. There is also much generally unrecognized originality in this work--an early Han integration and synthesis of concepts which had occasioned fierce intellectual exchange in late Chou China. The further refinement of these ideas was to occupy the finest Chinese minds for the first millenium of the Christian era, and their influence was to determine the configuration and course of China's religious and philosophical development. More specifically, on the Taoist side this document represents one of our most valuable and revealing links between the philosophical Taoist tradition and the emergence of religious Taoism during the Eastern Han. On the Confucian side, it is a sourcebook for the ideas which came to dominate Confucianism just as Confucian theory was coming to dominate the intellectual and political life of Han China. In spite of the importance of this text, to date there

has been no English translation.* However, several developments during the past decade have brought such a project into the realm of possibility.

Firstly, although there is still no modern Chinese translation, Yü Ta-ch'eng, a contemporary Chinese scholar, has spent many years collating virtually all earlier textual work and has done much either to resolve existing textual problems or provide us with the material from which to resolve them ourselves. Secondly, only as recently as 1975 has a proper Japanese version of the text been produced. This work under the direction of Professor Togawa is generally well-researched and reasonably accurate, and has served as an invaluable aid. Thirdly, in recent years a contemporary Chinese scholar, Hsü Fu-kuan, has brought a lifetime of study to bear on the intellectual history of the Han dynasty and has contributed much to our understanding of the philosophical development during this period. Initially, I was very much moved to write this thesis after reading his article "Liu An te shih-tai yü Huai Nan Tzu" which appeared in Ta-lu tsa-chih (1973) 47:6. Having written the thesis, I re-read his article published as a chapter in his Liang-Han ssu-hsiang shih II, and was both surprised and heartened to observe the degree to which my own conclusions are simply a logical extension and development of this scholar's insights into a very difficult text. Finally, the recent archeological excavations of Han tombs have uncovered a wealth of previously unknown

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*During the thirties there was one pioneering assault on a portion of the text by Evan Morgan, but this attempt offers a rendering so far removed from the original that it scarcely merits the title, "translation". That it has been totally forgotten is a fair indication of its worth.

Apart from Evan Morgan's Tao, the Great Luminant, there is only B. Wallacker's translation of one chapter The Huai-Nan-Tzu, Book Eleven: Behavior, Culture and the Cosmos.

material which both facilitates textual reconstruction and sheds new light on some previously dark corners of the text. The Sun Pin ping-fa, for example, is of considerable value in dealing with Militarist concepts generally, and in understanding Chapter 15 in particular.

Given these recent advances in the study of the Huai Nan Tzu, the time seems right to undertake the long term research project of producing for publication an annotated translation of at least the most important doctrinal chapters. In the preparation of this thesis, I have taken the first step in this direction with a reasonably detailed study of one of the most important chapters. Hopefully this first pilot chapter can form part of the larger enterprise.

My own study of the Huai Nan Tzu has been much encouraged by having had the opportunity to work under D.C. Lau, Professor of Chinese at the School of Oriental and African Studies. Professor Lau has been pursuing his own examination of the text for many years, and in the process of directing my Ph.D. research on portions of the text, has been generous in sharing his knowledge with one just entering the stream. In return for the inspiration and encouragement I have received, I can only offer the poor payment of my gratitude and respect.

I would like to acknowledge my appreciation to the Education Ministry of the Japanese government who over a year and a half supported my efforts to become familiar with the Japanese contribution to the study of the Huai Nan Tzu. The Canada Council has also supported my research in London over the past three years.

For his expert help in writing the Chinese characters which in themselves lend an independent value to my thesis, I would like to declare my debt to Peter Lam (林業強).

Finally, I would like to express an ongoing debt to my wife, Bonnie, whose patience and quiet encouragement have sustained this work from its inception.

INTRODUCTION

The Huai Nan Tzu is an anthology of early Han philosophical literature compiled under the patronage of Liu An and possibly submitted to the Han court of Wu Ti as early as 140 B.C.[1] While the Kao Yu (d. c. 220 A.D.) preface to the text does list a number of guests who might well have participated in the authorship of the text, we know very little about these persons.[2] In the biographical material which still exists concerning Liu An, he is accredited with having been a man of immense literary talents. In both the Shih-chi 118 and Han-shu 44 biographies, this point is made emphatically and at some length. Again, the sheer volume of material listed in the "Yi-wen chih" of the Han-shu which claims his title is a fair indication of his literary involvement in the first century of the Western Han. That he himself had some hand in the writing and editing of the Huai Nan Tzu is well within the realm of possibility.

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[1] The theory that an early version of our modern Huai Nan Tzu was submitted to the Han court in 140 B.C. is based on the Hu Shih equation of the nei shu 內書 mentioned in the Han-shu biography of Liu An with the modern text. He bases this equation on a second reference to the text in the "Yi-wen chih" of the Han-shu: 淮南內二十一篇 Yen Shih-ku 顏師古, an early T'ang commentator on the Han-shu, further observes that the nei p'ien discusses the tao. This would be consistent with the opening "Yüan Tao" chapter of the modern text.

O. Kanaya in his Rō-sō teki sekai pp. 94 ff. and the corresponding "Enanji no rekishi" chapter of his Shin-Kan shisō no kenkyū together with H. Kusuyama pp. 33 ff. (see also p. 24) reject this 140 B.C. date for the Huai Nan Tzu. They contend that the nature of the text is such that it was probably written one chapter at a time over many years up until Liu An's suicide in 122 B.C. At this time it was edited into 20 chapters and the "Yao Lüeh" chapter was appended as a summary of this editing. The text first came to be called "Huai Nan Tzu" in the "Ching-chi chih" of the Sui-shu.

There is another reason for questioning the 140 B.C.

The contents of the Huai Nan Tzu's 21 chapters are broad and varied, probably following the Lü-shih ch'un-ch'iu in attempting to provide a compendium of existing knowledge. It is a syncretic text which borrows widely and heavily from pre-Ch'in sources and adapts earlier contributions to its own ends. This synthetic and composite nature of the Huai Nan Tzu has led some scholars to dismiss it as "unoriginal".[3] In fact, as is borne out by our analysis of the one "Chu Shu" chapter, the originality and the depth of the Huai Nan Tzu lies in its capacity for reconciling and synthesizing selected elements of previously conflicting ideologies. While the orientation of individual chapters certainly varies a great deal, there is a general spirit of eclecticism which pervades the text and gives it its unmistakable Han signature. In this thesis, by tracing the sources and identifying the orientation of the "Chu Shu" chapter, we hope to demonstrate the degree to which this spirit of eclecticism must be reckoned with in gaining a full appreciation of the Huai Nan Tzu's place in early Chinese literature.

The "Chu Shu" chapter has long been characterized as basically a Fa-chia document.[4] This is in large part

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date. In the Kao Yu commentary to 6/9a: 今之時天子在上位 he glosses this as 漢孝武皇帝 . It would appear that Kao Yu at least thought that this was written during the reign of Wu Ti. The year 140 B.C. was only his first year on the throne.

[2]For a discussion of authorship, see Togawa pp. 344-5 notes 47 and 48; O. Kanaya, pp. 41 ff. and H. Kusuyama, pp. 26 ff.

[3]See W.T. Chan, Sourcebook p. 305. He suggests that "his originality is negligible". B. Watson, Early Chinese Literature p. 190 states that "one of its few original contributions is a brief description of the creation of the universe..." This would seem to be a widely held opinion.

[4]The "Yao Lüeh" description of the "Chu Shu" chapter in 21/3a is perhaps the earliest source of this association.

due to the frequent use of Fa-chia terminology and allusions. While first impressions do suggest a Fa-chia oriented political philosophy, a more careful examination of the chapter takes us behind the façade of isolated concepts and particular expressions into a highly original and profound system of government. The system of government propounded in this chapter selects and integrates important features from the whole spectrum of pre-Han political philosophy. This then becomes the first objective of our thesis: to demonstrate that the political theory contained in the "Chu Shu" chapter, while being constructed with an obvious Fa-chia facing, shares a basic sympathy with precepts of Taoist and Confucian origin. Further, while this "Chu Shu" chapter does make free and uninhibited use of ideas drawn from all three traditions, the ultimate disposition of its scheme of government is both unique and original.

The author of the "Chu Shu" chapter chooses to couch his political philosophy in a series of integrated discussions centered around what would seem to be predominantly Fa-chia precepts. However, there is a definite distance between Fa-chia doctrine in its traditional sense and the "Chu Shu" chapter's interpretation of these same concepts. The degree and the nature of this divergence can be demonstrated by a careful comparison between the traditional Fa-chia concepts and those outlined in the "Chu Shu" chapter.

At this state in structuring our thesis, we were

The editor of the Huai Nan Tzu text describes the "Chu Shu" chapter in purely Fa-chia terms. More recently, H. Kusuyama pp. 43 and 134 and O. Kanaya pp. 145-8 discuss this chapter under a Fa-chia heading. While these two scholars do detect a Taoist influence in the chapter, they see this influence as being a more pronounced version of the Taoist element contained in Han Fei Tzu.

still convinced that we could look to earlier scholarly efforts to provide us with a reliable analysis of Fa-chia political philosophy, and that we could focus our attention on precipitating and articulating our rather vague impression that the "Chu Shu" chapter is something much more complex than a simple reiteration of Fa-chia doctrine. This was not to be. While we were able to locate some discussion of Fa-chia doctrine in Chinese, Japanese and Western language sources, by and large we found these discussions to be superficial and inadequate. One source would seem to repeat another in projecting a limited and sometimes distorted interpretation of key concepts into the early Fa-chia texts. At this point it became clear that in order to accomplish our first objective of comparing the "Chu Shu" philosophy with Fa-chia theory, we would first have to analyze key Fa-chia concepts in representative texts in order to construct a reliable basis of comparison on which to lay the "Chu Shu" interpretation. If we are going to explain how the "Chu Shu" interpretation of shih 勢, for example, is something related to and yet distinct from the Fa-chia conception of this term, there can be no way around the fact that we must first have a firm grasp on the significance of this term in the Fa-chia tradition. The preparation of this thesis has thus fallen into the following stages:

1) identify and abstract the central concepts in the "Chu Shu" chapter's political philosophy.

2) trace the origins and evolution of these concepts through pre-Han documents to determine their development and their significance for our early Han author.

3) analyze and outline the "Chu Shu" interpretation of these concepts.

4) undertake a detailed comparison between the traditional significance of these concepts and their "Chu Shu" interpretation in order to locate the sources and determine the orientation of the "Chu Shu" chapter's political philosophy.

While we leave the detailed results of having pursued this methodology for the thesis itself, there are two general observations which can be made here.

Firstly, although the "Chu Shu" chapter draws and shapes its theory out of the entire corpus of pre-Han literature, there is a very real consistency in its proposed method of government. Where this consistency breaks down, as in the final portion of the chapter, the fault would appear to be textual corruption rather than structural weakness.

Secondly, there have been many attempts at political theory which, while being brilliantly devised and having a very real appeal to man's higher nature, are simply impracticable. The idyllic anarchy of the philosophical Taoists is perhaps one of these. Where "government by non-government" can readily elicit sympathy, especially from someone suffering under political constraint, the problem of where to begin in implementing this system of political organization has limited the Taoist philosophy's application to those higher facets of life in which total freedom can at least be aspired to. While on a theoretical basis philosophical Taoism has often been regarded as a reaction against the ruling Confucian orthodoxy, in the history of Imperial China there has never been a serious attempt at realizing the Taoist political ideal.

One very valid interpretation of this "Chu Shu" chapter is that it has been compiled with the intention of providing a political structure conducive to the development and expansion of Taoist precepts at a

practical political and social level. While painfully aware that pure Taoist political theory is beyond the scope of day-to-day government and imperfect man, the author of this chapter attempts to lay down the minimal amount of political constraint necessary to guarantee the maximum degree of individual freedom. We would characterize the political system outlined in the "Chu Shu" chapter as an attempt at a "practicable Taoism". The spirit of the chapter is Taoistic--a tamed Taoism which trades a certain degree of its unconstrained freedom for a functional practicability.

In citing references in this thesis, we have attempted to assist the reader by considering both facility and reliability. As a general principle, our first choice has been to cite the Harvard-Yenching Institute Sinological Index Series in recognition of its important place in the Sinologist's reference library and its convenience for the reader. Where a text has not yet been included in this series, our second choice is the Ssu-pu ts'ung-k'an (2100 ts'e) compiled and reproduced in a photo-lithographic edition in 1920-22 by Commercial Press, Shanghai. If the cited work is not included in the Ssu-pu ts'ung-k'an, the Ssu-pu pei-yao (1372 ts'e) compiled and published by Chung-hua shu-chü, Shanghai, in 1927-35 is consulted. Where the work is not included in any of these three, we refer the reader to what we consider to be a popularly accessible and at the same time reliable text. The bibliography indicates which text has been used. The following abbreviations have been used in this thesis:

TPYL: T'ai-p'ing yü-lan--see bibliography.

SPTK: Ssu-pu ts'ung-kan--see Introduction above.

SPPY: Ssu-pu pei-yao--see Introduction above.

LWT: Liu Wen-tien--see bibliography.

BMFEA: Bulletin of the Museum of Far Eastern Antiquities

BSOAS: Bulletin of the School of Oriental and African Studies

CHAPTER I: SHIH 勢

A. INTRODUCTION

The first concept which we want to analyze in this study of the "Chu Shu" chapter is shih 勢. This concept has long been associated with the rise of the Fa-chia school as one of its three cardinal precepts: 法, 勢, and 術. In spite of its central importance, the historical development of shih prior to its adoption by the early Fa-chia thinkers has not, to our knowledge, been examined in any depth. Further, the full meaning of this term is by no means simple and straightforward. Because it gradually accrued a wide yet not altogether unrelated range of meanings, it has often suffered the common fate of being interpreted in early texts with all of its later connotations. If we can unveil the earliest possible significance of shih and trace its development from this point, we can gain many insights into its later usage and perhaps identify the stages in its development at which it took on additional dimensions of meaning.

It would appear that at a relatively early period--at least by the time of Sun Wu in the 6th C. B.C.--thinkers who were later to be classified as "Militarists" had already appropriated the character shih to represent a very specific and important military situation. Having acquired military connotations, this same character at yet another stage in its development was taken over by Fa-chia theorists and its scope was extended to cover a political situation in many ways analogous to its earlier military application.

In this chapter, we want to begin by examining shih as a military concept. Having identified and outlined this early usage, we will then investigate the Fa-chia stratum in its development and attempt to grasp its extended political application. Once we have traced the

historical development of this concept and arrived at a reasonably coherent assessment of its meaning in the Fa-chia tradition, we can then turn to an analysis of the "Chu Shu" usage of this term, and from this comparison, take the first step in determining the orientation of the "Chu Shu" chapter's political philosophy.

B. DEVELOPMENT OF SHIH AS A SPECIAL MILITARY TERM

Hsü Fu-kuan[1] suggests that the expression shih was originally a term employed by the Militarist school in discussing contention for advantageous terrain. This assertion is borne out first by references to the Militarists in early texts and again by the contents of extant works representative of the Militarist school, especially those attributed to Sun Wu[2] and Sun Pin.[3]

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[1] See his Liang-Han ssu-hsiang shih Vol. 2 p. 143.

[2] Kuo Hua-jo p. 2 concludes that the Sun Tzu by Sun Wu was a summary of the salient features of warfare current during the Ch'un-ch'iu period. It was a distillation of experience gained when Wu attacked Ch'u and a product of Sun Wu's study of military affairs with King Ho-lü of Wu, Wu Tzu-hsü and others. Having undergone over a century of oral transmission, the Sun Tzu was edited and added to by Sun Pin, a descendant of Sun Wu, to form the present 13 p'ien. Although this was the modern consensus, with the recent unearthing of the Sun Tzu ping-fa fragments (just over 200 chien with about 2300 characters, approximately 1/3 of which are to be found in existing editions and the remainder attesting to a text longer than the present 13 p'ien) and the Sun Pin ping-fa (a text previously unknown), this opinion is being reassessed. On the basis of the Yin Ch'üeh Shan find in 1972, the Sun Tzu ping-fa is being reattributed to Sun Wu alone, and is being restored to its Ch'un-ch'iu position. See Wen Wu 1974/12 pp. 20-4. This relatively early dating of at least some portions of the Sun Tzu is attested by the similar summary passages found in the Shang-chün shu military chapters (see Duyvendak notes, pp. 244-52).

[3] Ch'ien Mu in his Hsien-Ch'in chu-tzu hsi-nien dates Sun Pin as 380-320 B.C. The 1972 discovery of portions of

Firstly, there are references to the Militarist school in early literature which draw a definite link between it and this notion of shih. The "Yi Ping" chapter of the Hsün Tzu (53/15/5) opens with a debate on military affairs between the lord of Lin-wu[4] and Hsün Tzu before King Hsiao-ch'eng of Chao.[5] In this debate, the term shih is associated with the Militarists, Sun Wu and Wu Ch'i:[6]

臨武君曰：不然。兵之所貴者埶利也，所行者變詐也，善用兵者感忽悠闇，莫知其所從出。孫吳用之無敵於天下，豈必待附民哉。

The lord of Lin-wu said: "This is not so. That which is valued in military affairs is advantage; that which is put into action is expediency and deception. One adept at using the army is sudden and mysterious, and none know from whence he comes. Sun Wu and Wu Ch'i using this philosophy carried all before them. How could it be necessary to first win over the people?"

Again, in the Lü-shih ch'un-ch'iu 17/18b it states:

……孫臏貴勢……

...Sun Pin valued shih...

In the Shih-chi biography of Sun Pin (p. 2163 and 2164), it credits him with having said:

夫解雜亂紛糾者不控捲，救鬥者不搏擊，批亢搪虛，形格勢禁，則自為解耳。

Now, one who wants to unravel a jumbled tangle of silk threads does not tug at it and batter it; one who wants to resolve a conflict does not join in punching and jabbing. Avoiding heavily fortified positions and striking at weakpoints, if the enemy's deployment is extended and they are prevented from gaining any military advantage, the conflict will resolve itself.

善戰者因其勢而利導之。

One adept at waging war taking this advantage into account can use it to his benefit.

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15 chapters of the Sun Pin ping-fa in the Han tomb of Yin Ch'üeh Shan has provided us with perhaps some of the 89 p'ien attributed to Sun Pin in the Han-shu "Yi-wen chih". The unearthing of this text along with fragments of the Sun Tzu ping-fa enables us to make a distinction between

Given the general dearth of references to the Militarists in the early texts,[7] we might speculate on the basis of these passages alone that this concept of shih was considered to be of central importance to Militarist doctrine. Turning to the extant Militarist texts,[8] we find that such speculation is in fact confirmed.

In the Sun Tzu, and particularly in the "Ping Shih" chapter, we can detect various different shades of meaning for this term shih. Firstly, as in 10/7a and 10/8a below, there are several instances where, given the general nature of its application, it can perhaps be rendered quite simply as "conditions" or "circumstances":

遠形者、勢均、難以挑戰、戰而不利、
In the case of "being at a distance", when conditions are equally matched, it is difficult to instigate the engagement. Were one to engage the enemy, it is not to his advantage (since after having travelled a long distance, his troops are certain to be weary).

夫勢均、以一擊十、曰走、
(listing six errors of the general) Conditions being equally matched, to attack an enemy with one tenth of his numbers is called "troops in route".

A second, more complex use of shih is that of "disposition", configuration" or "shape". As D.C. Lau has

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these two representatives of the Militarist school and their two treatises. The text of the Sun Pin ping-fa chapters has been transcribed in Wen Wu 1975/1.

[4]This lord of Lin-wu is identified by commentators as a Ch'u general.

[5]King Hsiao-ch'eng of Chao r. 265-245 B.C.

[6]Cf. Sun Tzu 7/14b-15a:

故兵以詐立、以利動、以分合為變者也、

[7]The only other references to the Militarists of marginal interest are Han Fei Tzu 347:3 and Huai Nan Tzu 15/3a.

[8]Kuo Mo-jo, Mo-jo wen-chi Vol. 16 p. 205, on the basis of the contents of the Wu Tzu, asserts that it is the

indicated,[9] in the following two Sun Tzu 4/16b and 5/23b passages, the characters hsing 形 and shih are used as near-synonyms:

> 勝者之戰民也若決積水於千仞之谿者形也.
> That the victorious general in engaging his troops in battle is like channeling pent-up waters down a towering precipice is because of his army's advantageous disposition.
>
> 故善戰人之勢如轉圓石於千仞之山者勢也.
> Hence the fact that the purchase of one adept at waging war is like avalanching round boulders down a precipitous mountainside is because of his advantageous disposition.

The synonymous relationship between these two characters is again apparent in the following 6/31b-33a passage:

> 夫兵形象水.水之行避高而趨下.兵之形避實而擊虛.水因地而制流.兵因敵而制勝.故兵無常勢.水無常形.
> Now the disposition of troops resembles water: the flow of water avoids high ground and hastens to low areas; the disposition of troops avoids the solid and strikes at the weak points. Water follows the ground in determining its flow; troops follow the enemy in determining their victory. Thus, troops have no constant deployment and water has no constant disposition.

That hsing and shih can be used in this synonymous manner is due to the fact that, to some extent at least, they overlap in meaning. The term shih would seem to cover a very strong connotation of physical position, not in the sense of a rigid and concrete form, but rather of a fluid and changing configuration ever responsive to its context. Just as the flow of water is determined by the contours of the terrain, so the actual physical disposition of shih is determined by changing circumstances. Hsing in the sense of physical terrain is again one of the most significant elements in the acquisition of shih.[10]

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product of the late Warring States period or early Han. Chang Ping-lin in Wei-shu t'ung-k'ao p. 802 notes that the military weapons mentioned in the Wu Tzu are anachronistic, and dates it as late as the Six Dynasties. Since the Wu Tzu is a compilation of dubious authenticity, and

This connotation of physical position is a strong factor in the most specifically military use of shih. Basically, it would seem to mean occupation of high ground and the purchase available to the occupant as an implicit condition of his position. In 5/8a and 5/23a, the Sun Tzu employs the metaphors of water, trees and boulders hurtling down from high ground to express this aspect of shih:[11]

激水之疾.至於漂石者.勢也.
That the swiftness of damned up waters can even send boulders bobbing about is because of its shih.

任勢者其戰人也.如轉木石.....故善戰人之勢.如轉圓石於千仞之山者勢也.
The deployment of troops of one who relies on shih is like the avalanching of trees and boulders....Hence the fact that the purchase of one adept at waging war is like avalanching round boulders down a precipitous mountainside is because of his advantageous disposition.

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shih only occurs in it twice, we will pass over it in favour of the more reliable Sun Tzu and Sun Pin ping-fa.

[9]See BSOAS 1965 pp. 332-3.

[10]For example, in Huai Nan Tzu 21/3b in a short description of the "Ping Lüeh" chapter, it has the expression: 形機之勢 --the advantage of terrain and conditions. For the use of the expression hsing shih 形勢 as a compound term, see the titles of chapters 2 and 64 in the Kuan Tzu, as well as Kuan Tzu 1:58-4:

故形勢不得為非.則姦邪之人慤愿.
Here it would seem to mean "the shape of things" = "prevailing conditions". It also occurs in Kuan Tzu 1:22-6:

形勢器械未具.猶之不治也.形勢器械具.四者備治.
Here it would seem to refer to the physical arrangements for defense such as walls, moats, fortifications, etc. which must be constructed in advantageous locations. The expression hsing shih also occurs in the Huai Nan Tzu 15/3a:

凡物有朕.唯道無朕.所以無朕者.以其無常形勢也.
Things generally give omens. Only the Tao is without them. The reason that it is without omens is because it is without a constant shape or disposition.

[11]We use this word "purchase" in the sense of a hold or position used for advantageously applying influence or pressure in order to accomplish something. It can refer

Sun Tzu 5/10a likens the purchase implicit in advantageous position to a drawn crossbow:[12]

勢如彍弩節如發機.
His shih is like a drawn crossbow; his striking distance is like the squeezing of the trigger.

When taken in a military context, this term shih refers to advantages gained by one side in relation to the other which will increase its chances of victory. These advantages fall into two categories: ch'i shih 奇勢 ("unorthodox advantages") and cheng shih 正勢 ("orthodox advantages") described in Sun Tzu 5/7b as follows:[13]

戰勢不過奇正.奇正之變.不可勝窮也.
Of advantages in battle, there are no more than the orthodox and unorthodox, and yet the changes from one to the other are inexhaustible.

Presumably, the essential difference between these two kinds of advantage is the enemy's anticipation or lack of it. If a manoeuver for advantage is expected by the enemy, it is cheng; if it is unanticipated and catches the enemy unawares, it is ch'i. The critical importance of wresting advantage from the enemy is stated very clearly in Sun Tzu 5/20b--it is of overwhelming significance in determining the outcome of battle:

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to (1) the actual device or contrivance used for increasing this influence, or (2) the advantage gained by applying this device. In this paper we have avoided using "power" or "force" as equivalents for shih because we believe that shih refers to something quite different from the actual strength required to accomplish something.

[12]See also Sun Pin ping-fa chien no. 111-122 and Huai Nan Tzu 15/11a and 15/14a.

[13]For a discussion of the meaning of this passage, see D.C. Lau BSOAS 1965 p. 331. Supporting our interpretation of shih as a special military term is a passage contained in Sun Tzu ping-fa fragments where ch'i shih is used as a compound expression (no. 145-6):

軍之所不擊者.曰:兩軍交和而舍.計吾力足以破其軍.擢其將.遠計之.有奇勢.....將如此者.軍唯(雖)可擊.弗擊也.

See Wen Wu 1974/12 p. 11 and for a discussion p. 18. This passage is too corrupt to venture a translation.

故善戰者 求之於勢.不責於人.
Hence it is in shih rather than in man that one adept at waging war seeks his victory.

This military use of shih is perhaps best summarized in the definition which the Sun Tzu 1/17b gives for the term:

勢者因利而制權也.
Shih is making the most of advantageous circumstances and determining what is expedient.

To recapitulate, in the Sun Tzu this term shih has at least three logically connected yet identifiable shades of meaning:

(1) "circumstances" or "conditions"

(2) "physical disposition" in connection with the deployment of troops

(3) occupation of a superior position and access to the potential advantages inherent in the superiority of the position. In this respect, it can refer either collectively or individually to the superior position, the implied purchase and the manipulation of this purchase.

In a work as short as the Sun Tzu, the frequency of the occurrences of this term shih and the emphasis placed upon it make it without question one of the central concepts of the text. That this concept continued to be an important aspect of Militarist thought is evidenced by its role in the Sun Pin ping-fa and in the military chapters of the Shang-chün shu and Kuan Tzu.

While there are instances in the Sun Pin ping-fa where shih is used with its more general meaning of "conditions" or "circumstances", there is a very definite tendency to employ it as a specific military term. This tendency is even more marked than in the Sun Tzu. Where there are only two instances in which it may possibly be rendered "circumstances" or "conditions",[14] and again one

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[14] Although the below no. 243 passage is too corrupt to offer any definite interpretation, shih here would seem to mean "conditions" or "circumstances":

.....欲擊之.其勢不可.夫若此者.下之.....

more in which it would seem to mean "physical disposition",[15] the remaining passages insist on the specifically military interpretation of the purchase implicit in an advantageous position. Firstly, in several passages it means simply "advantage" or "purchase" (nos. 83, 213-4 and 258):

兵之勝在于簒(選)卒.其勇在于制.其巧在于勢.....
The victory of the army lies in the selection of its men; its courageousness lies in its control; its astuteness lies in purchase...

以火乱之.以矢雨之.鼓譟敦兵.以勢助之.火戰之法.
To throw the enemy into confusion with fire and to rain down on them with arrows, to drum, shout and spur the troops on, aiding them with this advantage--this is the method of fire warfare.

主人按地撫勢以脊.
The host army, determining the terrain and taking up the military advantage, lies in wait.

Again, as in the Sun Tzu 5/7b, it occurs as a compound expression chan shih 戰勢 to mean "advantages of battle" (no. 362-3):[16]

故戰勢.勝者益之.敗者代之.勞者息之.飢者食之.
Therefore, as for advantages of battle, those who would win are re-enforced on account of them; those who would lose change the tide of battle on account of them; those who are exhausted are rested on account of them; those who are hungry eat on account of them.

There is also no. 257-60:

夫客犯益(隘)逾險而至.....退則物(刎)頸.進不敢距(拒)敵.其故何也.勢不便地不利也.勢便地利.則民(自退)所謂善戰者.便勢利地者也.

Now, the invading army having passed over treacherous stretches of territory to reach its destination...For what reason could it be that they will retreat and take the risk of having their throats cut before they will advance to engage the enemy? It is because battle conditions are against them and the terrain is not to their advantage. If conditions are in their favour and the terrain is to their advantage, the troops...(retreat of their own accord). What is called being adept in warfare is turning battle conditions to one's favour and choosing terrain to suit one's advantage.

[15] See no. 349: 有所有餘.有所不足.刑(形)勢是也.

Most significant, however, are the two passages in which it is singled out as one of several special terms used to identify factors which have a direct bearing on the outcome of battle (nos. 38 and 111-22):

> 田忌曰:權.勢.謀.詐.兵之急者邪(耶).孫子曰:非也.夫權者.所以聚衆也.勢者.所以令士必鬥也.謀者.所以令敵無備也.詐者.所以困敵也.可以益勝非其急者也.
>
> T'ien Chi said: "Are authority, purchase, strategies and deceit urgent factors in military affairs?" Sun Tzu replied: "No. Authority is the means to assemble the people. Purchase is the means to guarantee that the soldiers will fight. Strategies are the means to assure that the enemy will be caught unprepared. Deceit is the means to confound the enemy. Whereas these will improve chances of victory, they are not urgent factors."

> 孫子曰:夫陷(含)齒戴角.前(爪)後鋸(距).喜而合.怒而斲(鬥).天之道也.不可止也.故無天兵者自為備.聖人之事也.黃帝作劍.以陳(陣)象之.羿(羿)作弓弩.以勢象之.禹作舟車.以變象之.湯武作長兵.以權象之.凡此四者.兵之用也.....何以知弓奴(弩)之為勢也.發于肩膺(膺)之間.殺人百步之外.不識其所道至.故曰:弓弩勢也..... 凡兵之道四:曰陳(陣).曰勢.曰變.曰權.察此四者.所以破強敵.取孟(猛)將也.
>
> Sun Tzu said: "To have teeth and to have horns, to have talons at the front and spurs at the back, to come together when happy and to fight when angered--this is the way of nature and it cannot be checked. Thus, for that which was without any natural weapons to provision itself was the task of the sages. Huang Ti in making the chao weapon is a symbol of the notion of 'formation'. Yi in making the bow and crossbow is a symbol of the notion of 'purchase'. Yü in making

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There is that which has surpluses and that which has deficiencies. This is the disposition of things.

[16] See also no. 359:

故戰勢.大陳(陣)□斷.小陳(陣)□解

In no. 32, a similar expression, ping shih 兵勢 is used:

> boats and chariots modeled them on the notion of 'change". T'ang and Wu in making the long-handled weapons modeled them on the notion of 'authority'. In general, these four represent the utility of weaponry....How do we know that bows and crossbows are 'purchase'? They are discharged from between the shoulder and the breast and can kill a man more than a hundred paces away without even revealing the trajectory of their projectiles. Thus I say that the bow and crossbow are 'purchase'....In general there are four tao in military affairs: they are called 'formation', 'purchase', 'change', and 'authority'. Scrupulous attention to these four is the means to crush a strong enemy and to defeat a fierce general.[17]

From the above examples of usage in the Sun Pin ping-fa, we can conclude with some confidence that this term shih played a central role in articulating pre-Ch'in Militarist thought. This conclusion is re-enforced by our analysis of the use of this term in the military chapters of the Shang-chün shu and Kuan Tzu.

While shih does occur once in the Shang-chün shu to mean "conditions",[18] and it does occur in compound expressions like hsing shih ("physical disposition") in the Kuan Tzu,[19] the most frequent usage is still in reference to the acquisition of an advantageous position and its inherent purchase. For example, Shang-chün shu 5/3b:

> 事無差、利用兵、九(久)處利、勢必王.
> If there is nothing which one's troops put beneath them, then one will have the advantage in the use of arms. If one can hold this advantage for a long time, his position must become supreme.

and again, Kuan Tzu 1:25-10:

> 故明於機數者、用兵之勢也.大者、時也.小者、計也.
> Therefore, to be enlightened as to conditions and calculations is an advantageous position in the use of troops. A critical factor is timing; of less importance is the weighing up of chances of victory.

> 威王曰:善哉.言兵勢不窮.
> King Wei (of Ch'i) said: "You are indeed adept! You could speak on military advantage endlessly!"

[17] The opening passage of the "Ping Lüeh" chapter of the Huai Nan Tzu would appear to be based on this passage.

The final stage in our investigation of shih as a key Militarist concept is an examination of its usage in the "Ping Lüeh" chapter of the Huai Nan Tzu. The importance of the Huai Nan Tzu in understanding the place of pre-Ch'in philosophical concepts is that, as a summary catalogue of pre-Ch'in thought with considerable borrowings from earlier texts, it reflects an early Han interpretation of the essential elements of many of the early schools. While containing a considerable quantity of material which can be identified in sources still extant today, it also contains a wealth of early Chinese thought which has been preserved within its pages alone. Consequently, its value in ascertaining the actual significance of early philosophical concepts cannot be overlooked.

Firstly, many similar passages make it immediately apparent that the "Ping Lüeh" chapter has been considerably influenced by the texts of the pre-Ch'in Militarist school. The importance of the term shih in this chapter can be inferred from the fact that in the brief description of this chapter in the "Yao Lüeh" summary of the Huai Nan Tzu's contents, shih occurs twice (21/3b):

> 兵略者.所以明戰勝攻取之數.形機之勢.詐譎之變.....誠明其意.進退左右.無所擊危.乘勢以為資.清靜以為常.避實就虛.若驅群羊.
> The "Ping Lüeh" chapter is to clarify methods of winning in battle and laying siege, advantages of terrain and deployment, and changes effected through deceit and treachery...If one really understands its purport, in his various manoeuvers, he is free from any danger of assault, he takes purchase as his basis and clarity and limpidity as his constant, and while avoiding fortified points he attacks weakpoints, like driving a flock of sheep.

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[18] See Shang-chün shu 3/6a:

> 行三者有二勢.
> In carrying out these three things there are two conditions:...

[19] See footnote 10 above.

As in the Sun Tzu, while there are instances where shih might mean simply "circumstances" or "conditions",[20] and where it might also carry the connotation of "physical disposition",[21] significantly, it continues to favour the special military usage: advantageous position, the purchase available to the occupant by virtue of his superior position, and the manipulation of this purchase. In this chapter we find what is undoubtedly the most lucid explanation of shih as a military term to be found in any of the early texts (Huai Nan Tzu 15/8a-b):

兵有三勢.有二權.有氣勢.有地勢.有因勢.將充勇而輕敵.卒果敢而樂戰.三軍之衆.百萬之師.志厲青雲.氣如飄風.聲如雷霆.誠積踰而威加敵人.此謂氣勢.陝路津關.大山名谿.龍蛇蟠卻.笠居.羊腸道發.筍門.一人守隘.而千人弗敢過也.此謂地勢.因其勞倦怠亂飢渴凍喝.推其捲捲.擠其搖搖.此謂因勢.

In military preparations there are three advantages and two influences. There is an advantage of morale, an advantage of terrain and an advantage of opportunity:

(1) The general being full of courage and regarding the enemy with contempt, his troops being full of resolve and taking pleasure in battle, having a host of

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[20] See Huai Nan Tzu 15/5a:

故德義足以懷天下之民.事業足以當天下之急.選舉足以得賢士之心.謀慮足以知强弱之勢.此必勝之本也.

Therefore, virtue and rightness are sufficient to win over the people of the world; human industry is sufficient to deal with the pressing needs of the world; selection and promotion are sufficient to secure the goodwill of superior men; planning and considering are sufficient to know conditions of strength and weakness. This is the root of certain victory.

[21] See Huai Nan Tzu 15/3a:

凡物有朕.唯道無朕.所以無朕者.以其無常形勢也.

Things generally give omens. Only the Tao is without them. The reason that it is without omens is because

three armies with innumerable soldiers, with their determination outstripping the skies, their morale like a tempest, their battle cries like thunder, their loyalty spilling over, and with all of their might falling upon the enemy--this is called advantage of morale.

(2) Steep mountain passes, fording places, high mountains, well-known strategic points, spiraling approaches, basins, snaking roadways, bottleneck entrances where one man can hold a defile and a thousand men will not dare to cross it--this is called advantage of terrain.

(3) Responding to the enemy's fatigue, negligence, disorder, hunger and thirst, cold and heat, following up their hesitancy and taking advantage of their obstacles--this is called advantage of opportunity.

This passage clarifies the important point made in Sun Tzu 10/8a cited above that shih is something distinct from the actual numerical strength of the contending armies. In fact, it is not strength of numbers, but rather factors such as "morale", "terrain" and "opportunity" which are indicated by the military usage of shih.

By far the majority of instances of shih in this "Ping Lüeh" chapter can best be rendered "(military) purchase" or "advantage".[22] The crucial importance of shih in influencing the outcome of battle is clearly stated in 15/11a:

所以決勝者鈐勢也.
That which determines the victor is weighing up[23] military advantages.

Of course, a truly superior general assesses all factors

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it is without a constant shape or disposition,

[22] See for example Huai Nan Tzu 15/9b, 15/10a and 15/10b:

勢莫敢格.
None will dare to resist your military advantage.

勢不齊也.
...because their purchase does not function as one unit.

勢勝人.
Military purchase has the edge over human strategies.

which might have a bearing on his success or failure: the auspiciousness of the day, the fall of the land, the various human elements. Consequently, he is never routed and never suffers defeat. However, with the assistance of shih, even a mediocre general stands a very good chance of victory (Huai Nan Tzu 15/11a):

> 雖未必能萬全.勝鈐[23]必多矣.
> ...even though there is no absolute certainty of remaining whole, his chances of victory are indeed good.

The preponderant importance of shih over all other factors in battle is stressed in the following 15/11a passage in which it is made analogous to human strength in chopping wood and the crossbow in dispatching the arrow:

> 夫以巨斧擊桐薪.不待利時良日而後破之.加巨斧於桐薪之上.而無人力之奉.雖順招搖.挾刑德而帶能破者.以其無勢也.故水激則浮.矢激則遠.夫括淇衛箘簬.載以銀錫.雖有薄縞之幨.腐荷之櫜.然猶不能獨入也.假之筋角之力.弓弩之勢.則貫兕甲而徑於革盾矣.
> Now, in chopping paulownia firewood with a broadaxe, one need not wait for an opportune moment or auspicious day to split it. If in addressing the broadaxe to the firewood, he is not assisted by human strength, the fact that regardless how much one is in accordance with chao yao[24] or how auspicious the day,[25] he will be unable to split it is because he does not have purchase. Therefore, if water is dammed up, it will come cascading down; if an arrow is drawn to the hilt, it will cover a long distance. Now, if one makes an arrow from the finest bamboo and decorates it with silver and tin, even with mail of the thinnest silk or a shield of rotten lotus leaves, it will not be able to penetrate these unassisted. If he adds to this the strength of sinew and horn and the purchase

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[23] This character ch'ien 鈐 occurs in chapters annotated by Hsü Shen as a substitute for the taboo ch'üan 權.

[24] chao yao 招搖(搖) is the name of the seventh star of the Big Dipper which forms the last portion of the handle. Chapter 5 of the Huai Nan Tzu is a system of social-ceremonial directives based on the point indicated by the chao yao star. When chao yao points in one direction, it indicates that it is the first month of spring. When it points

of a bow or crossbow, it will pierce rhinoceros hide armor and pass right through a leather shield.

In summary, from the above examination of the Sun Tzu and Sun Pin ping-fa as our earliest texts representative of the Militarist school, we can conclude that this term shih was of key importance in the presentation of China's early military thought. This conclusion is supported by references in other early texts which link this notion of shih with the Militarist writers. Again, although shih does occur in the military chapters of the Shang-chün shu and Kuan Tzu, it is is the "Ping Lüeh" chapter of the Huai Nan Tzu that we find our fullest statement of this character as a special military term.

In the Sun Tzu, Sun Pin ping-fa and again in the Huai Nan Tzu we can identify three related and often overlapping usages of shih:

(1) conditions or circumstances

(2) physical disposition

(3) an advantageous position, the purchase available to the occupant of this position, and the manipulation of this purchase to a desired end

The advantageous position indicated in (3) is something quite distinct from actual physical might, and is described in the Huai Nan Tzu as an advantage of "morale", "terrain" or "opportunity". It is the purchase implicit in these kind of advantages and the manipulation of this purchase which is of critical importance in determining the issue of battle. As such, in the use of shih as a special military term, it most frequently connotes "purchase".

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in another direction, it indicates that it is the second month, and so on. See Huai Nan Tzu Chapter 5 passim and J. Needham III p. 250.

[25] The expression hsing te 刑德 refers to the twelve ch'en 辰 or branches 支 and the ten rih 日 or stems 干. In ancient astronomy these corresponded to certain sectors of the heavens, and the changes of the year were determined on the basis of them.

It is the use of shih to connote "purchase" which was taken up by the Fa-chia thinkers and fashioned into one of the mainstays of their philosophical system. Having analyzed the usage of shih in the extant military texts and arrived at this interpretation, we will now turn to the main works of the Fa-chia tradition and attempt to trace the development of shih from a principle of effective warfare to a principle of effective political control.

C. DEVELOPMENT OF SHIH AS A SPECIAL FA-CHIA TERM

1. SHEN TAO

In modern researches into the origin and development of Fa-chia thought, general consensus has it that there were originally three divergent schools which were eventually brought together in the Han Fei Tzu. The school of Shen Tao (born ca. 360 B.C.) is reputed to have stressed shih 勢, the school of Shen Pu-hai (d. 337 B.C.?) stressed shu 術, and the school of Shang Yang (390-338 B.C.) stressed fa 法.[26] That Shen Tao is credited with having imbued this term shih with special Fa-chia connotations rests heavily upon the debate set out in the "Nan Shih" chapter of the Han Fei Tzu, the assumption being that if this term had not been popularized by Shen Tao, Han Fei would not have centered his discussion around what Shen Tao had to say about it.[27] Again, there are two occurrences of

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[26] See Fung Yu-lan, A History of Chinese Philosophy I p. 318. That Shen Pu-hai and Shang Yang stressed shu and fa respectively is stated clearly in the "Ting Fa" chapter of the Han Fei Tzu, but no such early evidence exists for the association of Shen Tao with this concept of shih.

[27] Whereas the development of shih as a Fa-chia concept is generally attributed to Shen Tao, there are scholars such as Hsieh Yün-fei in Han Fei Tzu hsi-lun pp. 61-2 who assert that the popularizer of shih was in fact Kuan Chung on the

shih in the presently extant writings attributed to Shen Tao.[28] Before examining these two sources, there are several pertinent references to Shen Tao in other texts which might shed some light on his relationship to the development of this concept, shih.

Although the Chuang Tzu "T'ien Hsia" account of Shen Tao's thought is predictably Taoist in emphasis, it is significant that in this short description his rejection of "sagacity" is mentioned three times.[29] This is at least consistent with the notion of rule by shih rather than sagacity, and rule by law rather than morality. Again, in the "Chieh Pi" chapter of the Hsün Tzu (79/21/21):

慎子蔽於法而不知賢.

and in the "Fei Shih Erh Tzu" chapter (15/6/6):

尚法而無法.下脩而好作.上則取聽於上.下則取從於俗.....是慎到.田駢也.

rule by law rather than morality is selected as the distinguishing feature of Shen Tao's thought. In the Lü-shih ch'un-ch'iu 17/17a-b (noteably, the 慎勢 chapter), the following passage is attributed to Shen Tao in the context of emphasizing the importance of retaining a firm hold on one's position:[30]

慎子曰.今一兔走.百人逐之.非一兔足為百人分也.由未定.由未定.雖且屈力.而況衆人乎.積兔滿市.行者不顧.非不欲兔也.分已定矣.分已定.人雖鄙不爭.故天下及國.在乎定分而已矣.

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basis of the following passage from Han Fei Tzu 216:8:

恃勢而不恃信.故東郭牙議管仲.

[28] See P. Thompson, fragments 13 and 71. Fragment 13 is similar to Han Fei Tzu 297:8 and Huai Nan Tzu 9/9a.

[29] See Chuang Tzu 92/33/46: 而笑天下之尚賢也 ; 92/33/47: 而非天下之大聖 ; 92/33/50: 無用聖賢 .

[30] Similar passages attributed to Shen Tao are contained in

> Shen Tzu said: "Now if a single rabbit hops by, a hundred people will pursue it. It is not that a single rabbit is enough for a hundred people, but that its ownership has not yet been determined. While its ownership has not yet been determined, even a Yao would try his hardest in pursuit--how much more so the ordinary people. If one heaps up a bunch of rabbits in the marketplace, passers-by will not even give them a glance. It is not that they do not want rabbits, but that the ownership of these rabbits has already been determined. Once the ownership has been determined, even base persons will not fight over them. Thus, the proper ordering of the empire and the state lies simply in the determination of rights and duties."

On the basis of the above references to the thought of Shen Tao found in early literature, we can identify the following points in his philosophy as being sympathetic to Fa-chia doctrine:

(1) he wholly rejects the idea of government by morality

(2) he advocates rule by law

(3) he propounds the principle that the establishment and maintenance of clearly defined political and social roles is a necessary condition for proper government

Although this third feature of Shen Tao's thought does cover the concept of shih in a very general sense, we do in fact have to turn to the argument as set out in the "Nan Shih" chapter of the Han Fei Tzu for a more precise exposition.

The quotation which is attributed to Shen Tao in this Han Fei Tzu debate is very close both in wording and in substance to a Shen Tzu 4a-b passage, and could conceivably be an expansion and elaboration on it. Assuming that Shen Tao was in fact responsible for introducing or at least popularizing this notion of shih in its political sense, this Han Fei Tzu passage represents a starting point in our attempt to understand the full

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Yi-lin 2/15a and TPYL 907 (p. 4022). Again, similar passages not attributed to Shen Tao can be found in Shang-chün shu 5/15a and in Yin Wen Tzu 5b.

implications of this important Fa-chia term. As such, we will cite it here in full:

慎子曰：飛龍乘雲，螣蛇遊霧，雲罷霧霽，而龍蛇與螾蟻同矣，則失其所乘也。賢人而詘於不肖者，則權輕位卑也。不肖而能服於賢者，則權重位尊也。堯為匹夫，不能治三人，而桀為天子，能亂天下。吾以此知勢位之足恃，而賢智之不足慕也。夫弩弱而矢高者，激於風也。身不肖而令行者，得助於衆也。堯教於隸屬，而民不聽；至於南面而王天下，令則行，禁則止。由此觀之，賢智未足以服衆，而勢位足以詘賢者也。

Shen Tzu said: "The flying dragon mounts the clouds and the t'eng snake rambles in the mists. But when the clouds dissipate and the mists clear, that the dragon and the snake become the same as the earthworm and the large-winged black ant is because they have lost their vehicles. Where men of superior character are subjugated by inferior men, it is because their power is weak and their position is low. Where the inferior are subjugated by the superior, it is because the power of the latter is strong and their postion is high. Yao while a peasant could not govern over three men whereas Chieh as emperor could bring chaos on the whole world. From this we know that political purchase and position are worth relying on, while superior character and intelligence are not worth coveting. Indeed, where the crossbow is weak and yet the arrow soars high, it is attributable to being lofted up by the wind; where a man is of inferior character and yet his orders are carried out, it is because he has support from the people. When Yao was teaching from an inferior position, the people did not listen to him. But when he assumed the throne and became emperor over the world, his orders were carried out and his prohibitions were observed. Viewing it from this perspective, we can see that superior character and intelligence is not sufficient to subjugate the masses, and yet political purchase and position can even bring men of superior character to heel."

Shen Tao, presumably addressing himself to the ruler, makes the following assertions:

(1) since men of superior quality can be subjugated by inferior men and vice versa, it is not the degree of "superiority", moral or intellectual, which affords the individual the capacity to govern others.

(2) just as clouds are a necessary condition for the flying dragon to realize itself as a flying dragon, so ch'üan 權, wei 位, and shih 勢 are necessary conditions for a man to realize rulership. That is to say, even if a flying dragon has all of the other attributes and qualifications of a flying dragon, it is only when he can mount the clouds that he actually has the opportunity to be a flying dragon. In the same way, even if a man has all of the ability and wisdom of a most capable ruler, it is only when he has access to the ch'üan, wei and shih of the ruler that he actually has the opportunity to be a ruler. On the other hand, it is possible for a far less gifted man given the ch'üan, wei and shih of the ruler to govern with some degree of success.

(3) in conclusion, whereas superior character may have some qualitative bearing on the success of government, it is the ch'üan, wei and shih of the ruler which are essential to effect political control.[31]

From the extant material attributed to Shen Tao and from the various descriptions of his thought to be found in the early texts, all that we can safely conclude with respect to this concept of shih is that in his political philosophy, it is considered a necessary condition for effective political control. In order to determine how this concept of shih was absorbed into the Fa-chia tradition and how it was developed and articulated by later Fa-chia thinkers, we must analyze its usage in the existing texts associated with the rise of the Fa-chia school.

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[31] It is perhaps worth noting that since Fa-chia thought is generally meant for the ears of the ruler himself (to the extent that many of the shu or "techniques" are to remain his exclusive property), the rather obvious question of how to acquire the ch'üan, wei and shih of a ruler does not really arise.

2. SHANG-CHÜN SHU

Scholarly consensus has it that the Shang-chün shu is a composite text compiled over a period of at least a hundred years, dating primarily from the 3rd C. B.C.[32] It is possible if not probable that the present text does contain some fragments actually from the hand of the historical person, Shang Yang (390-338 B.C.).[33]

Considering the theoretical sympathy which exists between Fa-chia doctrine and the use of the military, it is not really surprising that a term like shih, having strong military associations, was picked up and elaborated upon by the authors of the early Fa-chia texts. This bond between the Fa-chia and the early militarist thought is perhaps most apparent in the three specifically military sections of the Shang-chün shu, in the existing proof of Shang Yang's military writings,[34] and in the military treatises contained in the Kuan Tzu.[35]

The character shih occurs with some frequency in the Shang-chün shu, and we are able to note some characteristics of its usage by analyzing the relevant passages.

Firstly, shih occurs three times in which it is directly associated with the military: 3/6a-b, 5/3b (twice in the first passage). See "Shih as a special military term" above.

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[32] Lo Ken-tse p. 510 dates the Shang-chün shu between 260 and 233 B.C.; Ch'en Ch'i-t'ien p. 234 attributes 11 sections to Shang Yang or "possibly Shang Yang" and 12 to a later period extending into the W. Han. Duyvendak dates it primarily as 3rd C. B.C. with some possibly original fragments. The introduction to Kao Heng takes a position similar to that of Duyvendak.

[33] See Duyvendak p. 131 and Shang-chün shu chu-yi pp. 10-1.

[34] The Han Shu "Yi-wen chih" lists 公孫鞅 under 兵家 and Han Shu "Hsing-fa chih" states:

吳有孫武，齊有孫臏，秦有商鞅，皆捷將立勝，垂著篇籍。

Secondly, shih occurs most frequently in this text as "prevailing conditions" or "prevailing circumstances". This usage ranges in scope from simply "present circumstances" in 5/11a:

> 此其勢正使污吏有資而成其姦險
> Under these circumstances, corrupt officials are given just the means to accomplish their wicked and perilous deeds.

to "an unalterable natural tendency of things". This unalterable natural tendency can be either favourable or unfavourable, conducive to good government or otherwise. The sage, in seeking to gain a position of supremacy from which he can govern, must assess prevailing conditions and avail himself of a tide of favourable circumstances to carry him to the throne (2/10a):

> 聖人不法古不脩今法古則後於時脩今則塞於勢周不法商夏不法虞三代異勢而皆可以王故興王有道而持之異理
> The sage neither imitates antiquity nor follows the status quo. To imitate antiquity is to be behind the times, and to follow the status quo is to be obstructed by changing circumstances. The Chou did not imitate the Shang and the Hsia did not imitate Yü's ways. The Three Ages all had different circumstances and yet they were all able to rule. Thus, while there is a set way of becoming king, to hold on to this position is a matter of different principles.

Holding the reins of government, the sage continues to give full consideration to prevailing conditions in exercising his rule (4/11b):

> 聖人知必然之理必為之時勢
> The sage knows the principles which must be so and the times and conditions which must prevail.

These prevailing circimstances are of such overwhelming influence that if they are inimical to proper government, even the sage is powerless to establish orderly rule.

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[35] See for example chapters 17, 27 and 28.

Rather than aggravating the existing conditions with his formula for political order, he does well to remain passive and uninvolved (5/15b-16a):[36]

故夫名分定、勢治之道也、名分不定、勢乱之道也、故勢治者不可乱、勢(世)乱者不可治、夫勢(世)乱而治之愈乱、勢治而治之則治、故聖王治治不治乱、

Thus, having duties and responsibilities fixed is the road to order by force of circumstances, while not having them fixed is the road to disorder by force of circumstances. Where there is order by force of circumstances, there cannot be disorder, but where there is disorder by force of circumstances, there can not be order. To try to impose order where circumstances are set on disorder will only result in increasing disorder, but to impose order where circumstances are set on order will result in proper order. For this reason, the sage-kings sought to order that set on order and did not attempt that set on disorder.

Of course, the influence of these prevailing conditions is not limited to the ruler alone, but rather pervades the entire society, transforming thieves into honest men and honest men into thieves (4/10a):[37]

勢不能為姦、雖跖可信也、勢得為姦、雖伯夷可疑也、

Where circumstances make it impossible to do evil, even a Robber Chih can be trusted, but where circumstances are conducive to evil even a Po Yi will be suspect.

The third important meaning of shih in the Shang-chün shu would appear to be a modification and extension of its usage as a special military term. As we have seen, in military parlance, shih refers to the purchase available to an army by virtue of its superior position ("position"

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[36] Chu Shih-ch'e in his Shang-chün shu chieh-ku ting-pen reads the two characters 世 in this passage as 勢 on the basis of the Ch'ün-shu chih-yao 36/7b which quotes this passage as:

故勢治者不可乱、勢乱者不可治也、夫勢乱而治之愈乱矣、勢治而治之則治矣、故聖人治治不治乱也、

See also Han Fei Tzu 299:11 which cites part of this passage.

used figuratively to mean "morale" and "opportunity", as well as simply "terrain"), and the manipulation of that purchase to achieve its end--namely, military victory. In the Shang-chün shu, this term shih is used to connote the purchase available to something other than the military which is consequent to its specific attributes and character. In other words, the usage of this term shih in the Shang-chün shu has been broadened beyond the narrow military sense and its application has been extended to other areas of concern. Since this development was probably instigated by the purveyors of Fa-chia doctrine, that the main area of concern is of a political nature is not altogether unexpected.

We find that shih when used in a political context establishes the connection between political stature and political purchase. Just as the wind is available to the seed-tuft, so political purchase is available to the ruler (5/9a):[38]

> 凡知道者勢數也.故先王不恃其彊.而恃其勢.不恃其信.而恃其數.....今夫飛蓬遇飄風而行千里.乘風之勢也.....故託其勢者.雖遠必至.
>
> Understanding the way is understanding political purchase and technique. For this reason the Former Kings relied on political purchase rather than force and on technique rather than good faith...Now, that a seed-tuft on being carried up in a whirlwind will travel a thousand li is because it takes advantage of the purchase afforded by the wind....Thus, where one relies on purchase he will reach his destination however far.

It is significant that just as in the military usage where a distinction is made between force or power due to numerical strength and this notion of shih, so in a political context a distinction is drawn between political force or power (ch'iang) and this notion of shih, here meaning political purchase.

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[37] Cf. Shang-chün shu 5/9b.

Although most of the discussion of shih in the Shang-chün shu centers around the position of the ruler, this is suggestive of the orientation and perspective of the Fa-chia writers rather than an indication of any regal monopoly on shih. In fact, shih is a natural condition of any political or social status. Thus, the shih inherent in the political position of minister must be under constant surveillance and check by his ruler (5/9b):

通數者不然也.別其勢.難其道.
For one conversant with technique this is not the case. He divides up the purchase of the bureaucracy and places checks on its activities.

Although the ruler has no monopoly on shih, in the political sphere his purchase is without equal. Jealously prizing his exclusive access to the political advantage of the throne, he must constantly take steps to avert a build-up and consolidation of the subordinate's shih in order to arrest any potential challenge which may be directed against his position.

The relevant information concerning the concept shih which can be drawn from the Shang-chün shu is limited by the brevity of the text. Nonetheless, we have been able to add a considerable amount of detail to the rather faint outline provided by Shen Tao. For further amplification, we must turn our attention to the next text in the Fa-chia tradition, the Kuan Tzu.

3. KUAN TZU

The Kuan Tzu, like the Shang-chün shu, is generally considered to be a composite text dating primarily from the 3rd C. B.C. The fact that, even in its corrupt and incomplete condition, it still ranks as a lengthy text

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[38] There is considerable textual variation on this passage. We follow the Yen Wan-li version in Shang-chün shu chieh-ku ting-pen p. 86.

when compared to the Shang-chün shu (about 130,000 characters as opposed to only about 20,000) would promise a richer and more varied harvest in exploring the usage of shih. In our analysis of this term, we find that:

(1) it occurs only four times with a specific military association: 1:22-6 (twice), 1:25-10, 3:93-9.

(2) it occurs several times as "prevailing conditions" or "circumstances".[39]

(3) yet another usage of shih in the Kuan Tzu is with the meaning of "position".[40]

(4) there is a usage of this term with specific reference to physical terrain.[41]

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[39] In this text as in the Shang-chün shu, the range of this usage is considerable, from simply "present circumstances" in 3:95-6:

管子對曰.厭宜乘勢.事之得利也.計議因權.事之國大也.王者乘權.聖人乘幼.與物皆宜.

Kuan Tzu replied: If we accord with what is appropriate and take advantage of prevailing circumstances, we will be able to get the most out of things; if we make plans and do what is expedient, our attainments will be considerable. A True King takes advantage of prevailing circumstances; a sage takes advantage of changing conditions. And both are always appropriate to the things around them. (Following Yü Sheng-wu in reading 厭 as 合 ; following Kuo Mo-jo in reading 幼 as 易 . See Kuan Tzu chi-chiao pp. 1200-1).

to "unalterable prevailing circumstances". The following 3:51-9 passage is similar to Shang-chün shu 5/15b-16a cited above in suggesting that prevailing circumstances can demand proper order:

明主在上位.有必治之勢.則群臣不敢為非.

When the perspicacious ruler is on the throne and enjoys circumstances which guarantee proper order, the various ministers will not dare to do wrong.

Again, the assertion that prevailing circumstances are of such overwhelming influence that they can make honest men of thieves found in Shang-chün shu 4/10a (and 5/9b) also cited above can again be found in the Kuan Tzu 1:58-4:

故形勢不得為非.則姦邪之人慤愿.

Therefore, when circumstances do not allow wrongdoing, even dissolute persons will be on their best behaviour.

(5) the most significant use of shih in the Kuan Tzu is as the purchase available to a thing in consequence of its attributes and status. This applies to inanimate things (2:32-5):

夫水波而上.盡其極而復下.其勢固然也.
Now, that water forming waves surges up and exhausting its momentum subsides is because its natural condition is such.

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[40] Perhaps the clearest examples of this usage are 3:51-10 and 3:52-2:

故明主操必勝之數.以治必用之民.處必尊之勢.以制必服之臣.
Thus, the perspicacious ruler manipulates methods which must surely succeed in order to govern people who must serve him, and occupies a position which must be revered in order to control ministers who must obey.

人主者.擅生殺.處威勢.操令行禁止之柄.以御其群臣.
The ruler, holding absolute power over life and death, occupying a position of authority and manipulating the handles of commands and prohibitions, thereby controls his various ministers.

[41] In Chapter 76 of the Kuan Tzu it discusses five types of kuo shih 國勢 "regional conditions" (3:82-8):

桓公問管子曰:請問國勢.管子對曰:有山處之國.有汜下多水之國.有山地分之國.有水決之國.有漏壤之國.此國之五勢.
Duke Huan asked Kuan Tzu: "Could you please tell me about regional conditions." Kuan Tzu replied: "There are mountainous regions, regions of low-lying marsh-lands, regions of mixed moutainous and flat terrain, regions of floodlands and regions of swampland. These are the five types of regional conditions."

The expression t'ien shih 天勢 "natural circumstances" also occurs in 3:38-7:

其王之王.水處什之七.陸處什之三.乘天勢以隘制天下.
During the reign of Kung Kung, seventy percent of the land was covered with water while only thirty percent was dry. Taking advantage of the natural circumstances, he seized and ruled the empire. (For these two passages, see Kuan Tzu chi-chiao p. 1139 and 1159).

and social positions (1:75-1):

> (券)在子期年.子雖不孝.父不能服也.
> If the purchase lies with the son for the duration of a year, even though he proves to be unfilial, the father will be unable to make him obedient.

but more frequently and more importantly, it applies to political status and the political advantage associated with it. Inseparable from this use of shih is the connotation of "majesty" or "authority" often expressed as wei shih 威勢. Since Fa-chia writings generally and the Kuan Tzu essays in particular tend to address themselves to the throne, it is not surprising that the status of ruler and the shih which is attendant on this position is the main subject of discussion. This is not to say that other political stations are without their shih. The office of minister, for example, has its shih (2:36-12):

> 故其立相也.陳功而加之以德.論勞而賜之以法.參伍相德而周舉之.尊勢而明信之.
> Thus in appointing ministers, examine their accomplishments and weigh them against virtue; investigate their industry and scrutinize it on the basis of law. Where they measure up to the ts'an wu[42] promote them everywhere, exalt their shih and clearly show trust in them. (See Kuan Tzu chi-chiao p. 501)

This shih of the minister is again referred to in 3:87-4:

> 人君失二五者.亡其國.大夫失二五者.亡其勢.民失二五者.亡其家.
> A ruler who loses the "two (yin and yang)" and the "five (five standards: e.g. colours, sounds, flavours)" will lose his state; a minister who loses his "two" and "five" will lose his shih; a commoner who loses his "two" and "five" will lose his family.

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[42] There is a very clear definition of this term, ts'an wu, in Huai Nan Tzu 20/4b-5a (see Appendix I 9/9a: Section 8 note 3). Imitating and according with the nature of heaven above and earth below, the Former Kings established the ts'an: the family, the nation and the officialdom. To give structure to these institutions, they laid down the proper relationships between ruler and minister, father and child. husband and wife, senior and junior, and between friends. These relationships are called the wu.

The seeming preoccupation with the political purchase of the ruler simply indicates that political control is viewed from the perspective of the ruler and with his interests in mind. The shih afforded by the throne is the ruler's exclusive property (3:4-7):

> 權勢者.人主所獨守也.
> Authority and shih are that which the ruler keeps as his exclusive privilege.

and essentially, it is this shih which makes him ruler (1:74-13):

> 凡人君之所以為君者.勢也.
> Generally speaking, that which makes a ruler "ruler" is his shih.

Remaining aloof from his ministers and subordinates, the ruler must make every effort to preserve his shih intact (1:74-13):

> 故人君失勢.則臣制之矣.勢在下.則君制於臣矣.勢在上.則臣制於君矣.故君臣之易位.勢在下也.在臣期年.臣雖不忠.君不能奪也.
> Thus, if the ruler loses his shih, his ministers will control him. If the shih lies with those below, the ruler will be controlled by his ministers. If the shih stays with him above, then the ministers will be controlled by the ruler. Thus, when ruler and minister have changed positions, it is because the shih lies with those below. If it lies with the minister for the duration of a year, even though he proves to be disloyal, the ruler will be unable to take it away.

This is again the thrust of 3:30-7:

> 虎豹.獸之猛也.居深林廣澤之中.則人畏其威而戴之.人主.天下之有勢者也.深居則人畏其勢.故虎豹去其幽而近於人.則得之而易其威.人主去其門而迫於民.則民輕之.而傲其勢.
> The tiger and leopard are the fiercest of beasts, and while they roam the deep forests and broad marshes, people fearing their nobility, show them respect. The ruler has the most shih in the world, and while he dwells in seclusion, people will fear his shih. However, if the tiger and the leopard abandon their remote-

> ness and get close to man, he will trap them and make light of their nobility. If the ruler abandons his residence and forces himself on the people, they will think nothing of him and look with contempt on his shih.

If the ruler fails to retain his shih and allows it to be shared among his ministers, his fall from power is inevitable. When his subordinates cease to obey his edicts, this is an indication that he has lost his grip on his shih as ruler (3:54-7):

> 人主之所以制臣下者.威勢也.故威勢在下.則主制於臣.威勢在上則.臣制於主.夫蔽主者.非塞其門.守其户也.然而令不行.禁不止.所欲不得者.失其威勢也.故威勢獨在於主.則群臣畏敬.法政獨出於主.則天下服總.故威勢分於臣.則令不行.法政出於臣.則民不聽.故明主之治天下也.威勢獨在於主.而不與臣共.法政獨制於主.而不從臣出.故明法曰:威不兩錯.政不二門.

> That with which the ruler controls his ministers is his authority and shih. Thus, if the authority and shih lies with those below, the ruler will be controlled by his ministers. If the authority and shih is retained by him above, the ministers will be controlled by their ruler. Now, obstructing the ruler is not a matter of shutting up his gate and guarding his door. When his commands are not carried out, his prohibitions are not observed and his desires are not repected, he has lost his authority and shih. Thus, if authority and shih lie exclusively with the ruler, the various ministers will be fearful and respectful. If the laws and policies are dispensed exclusively by the ruler, the empire will submit to him. But if the authority and shih is partitioned among his ministers, his commands will not be carried out; if the law and policies are dispensed by the ministers, the people will cease to obey. Thus, in the proper governing of the world by a perspicacious ruler, with authority and shih resting exclusively with him, he does not share it with his ministers; with the laws and policies being regulated exclusively by him, they are not dispensed by his ministers. Thus, the Ming-fa states: "Authority does not have two homes; policies do not have two sources."

And once the ruler's grip on his shih as ruler has slipped beyond a certain point, there is no possibility of retightening his hold. His country and his people are lost (3:52-9):

> 凡為主而不得行其令.廢法而恣群臣.威嚴已廢.擅勢已奪.令不得出.群臣非為用.百姓非為使.竟內之衆不制.則國非其國.而民非其民.
>
> Generally, when a ruler does not have his edicts carried out, when his laws are not obeyed and his ministers do as they please, when his authority has declined and his shih has already been usurped, when his edicts are not promulgated, his ministers are not consulted and his people are not employed, and when the people within his borders are not under his control, then the country is not his country and the people are not his people.

If, on the other hand, the ruler is successful in retaining his shih, it is this shih rather than any personal affection or devotion that will function as the most effective tool of government. It will guarantee his control over his ministers and the unveering loyalty of his subordinates (3:51-9):

> 是故群臣不敢欺主者.非愛主也.以畏主之威勢也.百姓之爭用.非以愛主也.以畏主之法令也.故明主操必勝之數.以治必用之民.處必尊之勢.以制必服之臣.故令行禁止.主尊而臣卑.故明法曰.尊君卑臣.非計親也.以勢勝也.
>
> Hence, that the various ministers do not dare to deceive their ruler is not because of any love that they bear him, but because they fear his authority and shih. That the common people contend to serve is not because of any love they bear their ruler, but because they fear his laws and commands. Thus, the perspicacious ruler manipulates methods which are certain of success to govern people who have no choice but to serve him, and occupies a position of shih which must be revered to control ministers who have no choice but to obey. As a result, his commands are implemented and his prohibitions are observed, the ruler is revered and the ministers are humble. Thus, the Ming-fa states: "That the ruler is revered and the ministers are humble is not a measurement of the affections they bear him, but rather because his shih is overwhelming."

Thus, the emotion which the ruler seeks to inspire in his subjects is wei 畏 --"awe" or "fear"--rather than love.[43]

The most important instrument available to the ruler in maintaining his shih is his exclusive control over life and death (3:52-5 and 3:60-1):

人臣之所以畏恐而謹事主者,以欲生而惡死也。使人不欲生,不惡死,則不可得而制也。夫生殺之柄,專在人臣,而主不危者,未嘗有也。故治亂不以法斷,而決於重臣,生殺之柄不制於主,而在群下,此奪生之主也。故人主專以其威勢予人,則必有劫殺之患;專以法制予人,則必有亂亡之禍。如此者,亡主之道也。故明法曰:專授則失。

The reason that ministers are afraid of and will diligently serve their ruler is because they desire life and hate death. If people did not desire life and hate death, they could not be effectively controlled. Now, there has never been a case in which power over life and death has been exclusively in the hands of the great ministers where the ruler has not been in grave danger. Where good government or disorder is decided by important ministers rather than being determined by law, where the power over life and death lies with subordinates rather than being controlled by the ruler alone--this then is a "dependent" ruler. Hence, when the ruler turns his authority and shih over to others, the disaster of assassination is imminent; when he turns his legal controls over to others, the calamities of disorder and destruction are imminent. Policies such as these are the way of the doomed ruler. Hence, the Ming-fa states: "If the ruler gives away his exclusive powers, he will forfeit them."

制群臣,擅生殺,主之分也。縣令仰制臣之分也。威勢尊顯,主之分也。卑賤畏敬,臣之分也。

Controlling the various ministers and holding sole power over life and death is the lot of the ruler; publishing edicts and looking up to control from above is the lot of the minister. Authority, shih, respect and stateliness is the lot of the ruler; humility, modesty, fear and deference is the lot of the minister.

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[43] See, for example, 3:51-9; 3:52-9; and 3:54-7.

An effective check on the usurpation of shih by persons close to the throne is the universal and unbiased application of constant and unchanging laws for any breach of proper conduct (2:28-5 and 2:33-14):

> 國無常法.則大臣敢侵其勢.
> If a state is without constant laws, the great ministers will dare to encroach upon his (the ruler's) shih.
>
> 明君在上.便辟不能食其意.刑罰誅近也.大臣不能侵其勢.比黨者誅明也.
> When a perspicacious ruler is on the throne, it is clear that the reason favourites cannot erode his purposes is because punishments are applicable to even those closest to the throne, and the reason that high ministers are not able to encroach upon his shih is because cliques and factions are punished. (See Kuan Tzu chi-chiao p. 491).

If the faults of those below go unattended to, the shih of the ruler will be adversely affected and his authority will wane (2:95-11):

> 然民滋躁行私.而不從制.飾智任詐.負力而爭.則是過在下.過在下.人君不廉而變.則暴人不勝.邪亂不止.暴人不勝邪亂不止.則君人者勢傷.而威日衰矣.
> Even so, when the people are dissipated, self-seeking and do not obey injunctions, when they adorn themselves with erudition, put their faith in deception and contend forcibly with one another, then the fault lies below. If the fault lies below but the ruler fails to examine and rectify it, then men of violence will not be overcome and depravity and disorder will not be checked. If men of violence are not overcome and depravity and disorder are not checked, the shih of the ruler will suffer and his authority will daily decline.

In the above passages, we have been able to identify a reasonably clear relationship between the position of ruler and the function of shih. It is in this clarification of the term shih with respect to the status of ruler that the Kuan Tzu (and especially chapter 67) is most revealing and informative.

To summarize, in our analysis of the usage of this term shih in the Kuan Tzu, we have been able to identify five different shades of meaning:

(1) a specific military term

(2) prevailing conditions or circumstances

(3) topographical conditions

(4) position

(5) the purchase available to a thing in consequence of its definition

It is usage (5) which is of particular importance in our attempt to trace the development of shih as a special Fa-chia concept. While shih tends to retain its basic militarist connotations, the area of its application has shifted from the military to the political battleground. On the basis of the Kuan Tzu text, we have been able to bring the association between the position of ruler and the shih which exists as a condition of his political status into a much sharper focus. In order to continue our refinement of this picture, we must take a brief look at the Lü-shih ch'un-ch'iu before undertaking a close scrutiny of perhaps the central text of Fa-chia thought, the Han Fei Tzu.

4. LÜ-SHIH CH'UN-CH'IU

Although the term shih in the sense of "political purchase" occurs in various parts of the Lü-shih ch'un-ch'iu, it is the "Shen Shih 慎勢 " chapter which really provides us with some additional insights into its usage.

To support our choice of the word "purchase" as a sometimes equivalent for shih, we can offer a rather simple mechanical analogy. Whereas the ruler as an individual person is as limited in his capacity to regulate the conduct of others as any other private

person, as a ruler his political status properly employed is an effective device for amplifying his influence over others. It is this political status and its application as a fulcrum for increasing the capacity of the ruler to use others that constitutes his shih. The concept of shih thus expressed indicates a relationship existing between the position of ruler and other elements of the state which can be described in terms of political differentials--in terms of large, small, important, unimportant, many, few, etc.

This "Shen Shih" chapter opens with the assertion that the ruler must retain his shih in order to retain his position as ruler: (17/15a):[44]

> 失之乎數.求之乎信.疑.失之乎勢.求之乎國.危.吞舟之魚.陸處則不勝螻蟻.
> If the ruler loses ground in methods and yet seeks to make it up in the loyalty of others, there will be pretenders to his position; if he loses ground in his shih and yet seeks to make it up in sovereignty, he will be in peril. Even a fish large enough to swallow a boat if thrown up on land will succumb to the mole-crickets and ants.

In this metaphor, the ruler is analogous to the large fish, his subordinates to the insects, and his shih to the water. If the ruler loses his shih, he will be at the mercy of his subordinates. Not only does this chapter stress the critical importance of shih to the retention of sovereignty, but even goes so far as to define sovereignty in terms of shih (17/17a):

> 王者勢也.王也者.勢無敵也.勢有敵則王者廢矣.
> "King" is "shih". To be king is to be without equal in shih. If there is an equal in shih, the notion of king ceases to apply.

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[44] Cf. Han Fei Tzu 289:10 in which a similar passage is attributed to Shen Pu-hai:

> 申子曰:失之數而求之信則疑矣.

Failure of the ruler to retain his shih results in a leveling off in the distinction between ruler and those around him, and ultimately in a challenge to his authority (17/17a):[45]

> 權鈞則不能相使.勢等則不能相并.治亂齊則不能相正.故小大輕重少多治亂不可不察.此禍福之門也.
> Where political power is equally balanced, neither can command the other; where shih is on a par, neither can swallow up the other; where order is of the same degree, neither can rectify the other. Thus, the relative size, importance, quantity and order must all be examined. This is the gateway through which calamity and good fortune enter.

Thus, the first concern of the ruler in his ongoing struggle to retain his position is to maintain a shih differential between himself and those over whom he exercises control (17/16b-17a):

> 諸侯不欲臣於人而不得已.其勢不便則奚以易臣.
> The various nobles do not want to be the ministers of someone else but have no choice in the matter. If the shih of the ruler cannot be exercised with facility, how could it be easy to make them his ministers!

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[45] Cf. Hsün Tzu 26/9/15:

> 分均則不偏.勢齊則不壹.衆齊則不使.有天有地而上下有差.明王始立而處國有制.夫兩貴之不能相事.兩賤不能相使.是天數也.
> Where distinctions are of equal standing, there will be no subordination; where shih is the same, there will be no unity; where everyone is on a par, no one will command anyone else. As soon as you had the heavens and the earth, there was a distinction made between "above" and "below", and as soon as you had a perspicacious king on the throne, his state included an order of status. That two nobles cannot serve each other and that two men of lowly station cannot command each other is a natural principle.

P. Thompson ms. 413 cites a fragment attributed to Shen Tao from the Yi-lin 2/15a:

> 兩貴不相事.兩賤不相使.

Having emphasized the importance of shih to the ruler, this "Shen Shih" chapter then turns to a demonstration of how the empire has actually been structured on principles which facilitate the ruler's application of shih. The principle that "large commands the small" is repeatedly asserted (17/16a-b and 17/16b):

> 故以大畜小吉.以小畜大滅.以重使輕從.以輕使重凶.
> Therefore, for the large to keep the small is auspicious, but for the small to keep the large brings destruction; for the important to be obeyed by the unimportant results in compliance, but it is ill-omened for the unimportant to command the important.

> 故以萬乘令乎千乘易.以千乘令乎一家易.以一家令乎一人易.嘗識反此.雖堯舜不能.
> Thus, it is easy for a state of ten thousand chariots to command a state of one thousand chariots, it is easy for a state of one thousand chariots to command one family, it is easy for one family to command one person. If, however, one were to attempt to work in the opposite direction,[46] even a Yao or Shun would be unsuccessful.

Whereas "large" is not the same as "shih", the vital importance of "shih" to the position of ruler has certainly been made clear. The retention of shih is regarded as a necessary condition for being and remaining "large".

This principle of "large commands the small" was applied in constructing a system of government which would re-enforce the shih of the ruler. Firstly, the division of the empire into vassal states was carried out as a means of achieving

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The Han Fei Tzu 81:8 has a related passage:

> 夫兩堯不能相王.兩桀不能相亡.亡王之機必其治亂.其強弱相踦者也.

Creel in Shen Pu-hai p. 360 attributes the following statement from TPYL 432 (p. 1991) to Shen Pu-hai (cf. Yi-lin 2/14b):

> 增均不相使.力均不相勝.

[46] Following Pi Yüan's commentary in reading 嘗識反此 as 嘗試反此.

more effective control in the administration of government. Given this principle of "large commands the small", from the perspective of the ruler it is advantageous to preside over many small states (17/15b):

> 天下之地方千里以為國所以極治任也非不能大也其大不若小其多不若少衆封建非以私賢也所以便勢全威所以博義義博(利)則無敵無敵者安
>
> The territory of the empire being divided into thousand li square states was a way of making the administration most effective. It is not that they could not be made larger, but that should not be made either larger or smaller. That many vassals were enfeoffed was not for the benefit of those enfeoffed, but was rather a means of facilitating the ruler's shih and preserving his authority, and a means of having his rightness cover a wide area. With his rightness covering a wide area, he was without equal, and one without equal is secure.

That this principle of political control is effective is borne out by historical example (17/15b):

> 故觀於上世其封建衆者其福長其名彰神農十七世有天下與天下同之也
>
> Thus, looking back on previous generations, the prosperity of those whose enfeoffments were many was long-enduring and their names are glorious. That Shen Nung ruled the world for seventeen generations was because he shared it with the people of the world.

Now, these many smaller states which exist under the large, controlling hand of the supreme ruler are not to be randomly allocated. Rather, allocation must follow a very definite and pre-established pattern which will facilitate imperial control. Firstly, the ruler takes his place at the hub of the political and geographical world:

> 凡冠帶之國舟車之所通不用象譯狄鞮方三千里古之王者擇天下之中而立國擇國之中而立宮擇宮之中而立廟
>
> Now, the civilized states in mutual communication by boat and carriage who are without translators make up an area of three thousand li square. The kings of

> antiquity choosing the center of the world established their states, choosing the center of their capital built their palaces and choosing the center of their palaces erected their ancestral halls.

Radiating out from the imperial center, the empire is structured so that the closer the fief is to the center, the larger and more important it is, culminating of course in the size and importance of the ruler's personal domain (17/15b-16a):

> 王者之封建也.彌近彌大.彌遠彌小.海上有十里之諸侯.以大使小.以重使輕.以衆使寡.此王者之所以家以完也.
> As for the enfeoffments made by these kings, the closer they were, the larger, the more distant, the smaller. In the remote coastal regions, there were nobles with territories of only ten li square. These kings preserved their houses intact by having the large command the small, the important command the unimportant and the many command the few.

The text, having first emphasized the importance of shih to the ruler in his efforts to remain "large", and then having interpreted the structure of the state in terms of the principle that "large commands the small", next moves on to consider the relative importance of having shih as opposed to having superior qualities. The attitude toward shih here is consistent with what has gone before--the greater one's shih, the easier it is for him to achieve his ends. Whereas superior character is certainly desirable, it is made perfectly clear that it is shih rather than this character which is the more essential ingredient for success (17/16a):

> 所用彌大.所欲彌易.湯其無葛.武其無岐.賢雖十全.不能成功.湯武之賢而猶藉(知)乎勢.又況不及湯武者乎.
> The larger that which is used, the easier it will be to acquire that which is desired. If T'ang had been without his state of Yi and Wu had been without his district of Ch'i, even with perfect qualities of character, they still would not have been able to succeed. With the superior qualities of T'ang and Wu, they still had to rely on their shih, how much more so those who are not a T'ang or Wu.

Returning to the theme of political differentials, it

makes it clear that in order for the ruler to retain the shih necessary to continue as head of state, he must be fully aware of these differentials and must exert himself in maintaining them (17/17a):

> 有知小之逾於大，少之賢於多者，則知無敵矣。知無敵則似類嫌疑之道遠矣。
> If the king is aware that the small is better than the large and the few are superior to the many, then his intelligence will be without equal. And if his intelligence is without equal, the path of presumers and usurpers will be far removed.

While the king retains the largest and most important portion of the empire as his personal domain, this royal domain is still small relative to a united whole. It is by using his shih as a fulcrum to maintain division in the empire that he is able to manipulate the large by the small.

Just as the empire has been structured on a pattern which facilitates the shih of the ruler, the social and political status of those in the empire has been established with the same end in mind. The ruler must be vigilant in his attention to the maintanence of the graduated schemata of social and political positions and their fixed rights and duties in order to preserve the existing structure (17/17a):[47]

> 故先王之法，立天子不使諸侯疑焉，立諸侯不使大夫疑焉，立適子不使庶孽疑焉。疑生爭，爭生亂。是故諸侯失位，則天下亂，大夫無等則朝庭亂，妻妾不分則家室亂，適孽無別則宗族亂。
> Therefore, as for the laws of the former kings, in instituting an emperor they saw to it that the various nobles would not come near to his position; in

[47] We follow T'ao Hung-ch'ing p. 125 in interpreting the character 疑 as 擬 : "to be similar to", "to approximate".

> instituting the various nobles they saw to it that the ministers would not come near to their positions; in instituting the legitimate sons they saw to it that the sons of concubines would not come near to their positions. Coming near to the position of another gives rise to contention, and contention gives rise to disorder. Hence, if the various nobles lose their positions, the world will be thrown into disorder; if the ministers are without rank, the court will be thrown into disorder; if the wives and concubines are not differentiated, the household will be thrown into disorder; if the legitimate sons and sons of concubines are without distinction, the clans will be thrown into disorder.

In this "Shen Shih" chapter of the Lü-shih ch'un-ch'iu, the concept of shih is expressed as being synonymous with the position of ruler. Shih is his means of maintaining the political and social differentials which characterize the structure of the empire.

Before turning to investigate the term shih in the confluence of Fa-chia thought, the Han Fei Tzu, we will first examine the Confucian reaction to the growth and popularization of this rival doctrine by analyzing Hsün Tzu's attitude toward this notion of shih.

5. HSÜN TZU

In the Hsün Tzu's attitude toward shih we enter a new phase in the development of this term. Above we have examined shih as a special military term. We have traced its development through the early Fa-chia sources in which its scope of application has been extended to the political structure and the operation of the state, and in which its importance as a central concept in the representation of Fa-chia doctrine is evident. Predictably, in the fierce intellectual exchange of late pre-Ch'in thought, the central ideas of Fa-chia political theory did not go unchallenged. In the Hsün Tzu, perhaps one of the most critical and cogently argued texts of

the pre-Ch'in corpus, we have a Confucian rebuttal to the Fa-chia assertion that it is shih rather than moral and intellectual excellence which must be considered the first condition for effective political control.

The usage of the term shih in the Hsün Tzu covers the full range of meanings found in the Militarist and Fa-chia texts. Again, shih is most frequently used as the special term developed by the Fa-chia thinkers to connote political status and its implicit advantage or purchase. While the Hsün Tzu does make use of shih with its special Militarist and Fa-chia implications, this is not to say that it accepts this concept as propounded in these two traditions. On the contrary, in both cases the Hsün Tzu employs the special terms of the Militarists and Fa-chia theorists to contest their assertions.

The "Yi Ping" chapter opens with a rejection of the Militarist school's amoral attitude toward the use of arms. Confucian moral precepts are as applicable to the administration of military undertakings as they are to the administration of the state. The terminology used by the Lord of Lin Wu in advancing his arguments echoes that of the Sun Tzu and Sun Pin ping-fa. Expressions such as ch'üan 權 "authority", mou 謀 "strategy", pien 變 "manoeuver", cha 詐 "deception" and shih 勢 "military purchase" all occur frequently in the writings of the Militarists, and undoubtedly were meant to have such an association for the reader. Again, the principles of war advanced by the Lord of Lin Wu and summarily rejected by Sun Ch'ing Tzu (i.e. Hsün Tzu) are dressed to give the impression that they are a statement of basic Militarist theory.[48] In this chapter, the Hsün Tzu dismisses the Militarist emphasis on the importance of shih in military engagements, subordinating it to considerations

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[48] See Chiang Shang-hsien p. 344. Again, Wei Cheng-t'ung pp. 118-9 gives examples of how Sun Tzu is in fact misrepresented in this debate.

such as popular support and united strength, and suggesting that shih itself is the direct result of moral government. The ultimate outcome of war is not determined by temporary military advantages such as deployment of troops and favourable terrain. Rather, it is determined by the will of the people. Thus, from Hsün Tzu's perspective, popular support resulting from moral government is in fact the shih of the enlightened ruler.

In addition to setting aside the Militarist emphasis on the importance of shih in the use of arms, the Hsün Tzu also takes exception to the role given shih in the Fa-chia programme of government. In as much as Fa-chia political philosophy rejects the Confucian reliance on virtue and rule by loyalty in favour of reliance on shih and rule by intimidation, it can be seen as a repudiation of the basic Confucian precept, tsun hsien 尊賢 "exalting men of superior qualities". Where the Confucians placed their faith in the internal intellectual and moral calibre of the ruler, the Fa-chia adherents stressed the external conditions of his position.

Given the general drift of the Hsün Tzu toward a reworking and crystalization of Confucian doctrine, and given Hsün Tzu's historical position as the standard-bearer of Confucian ideas at a time when Fa-chia thought was approaching its apogee, it is not entirely unexpected that he took it upon himself to defend the Confucian position against this Fa-chia conception of shih. To a certain extent, the Hsün Tzu does acquiesce in the Fa-chia insistence on the importance of shih in maintaining political control. In fact, it goes so far as to credit the innovation of political purchase to the enlightened sages of antiquity, admitting its contribution to the fabric of order in society (88/23/40):

故古者聖人以人之性惡以為偏險而不正悖亂而不治故為之立君上之勢以臨之明礼義以化之起法正以治之重刑罰以禁之使天下皆出於治合於善也

Thus, in antiquity the sages, considering the evil nature of man, took it to be prejudiced and perverse. Hence, on this account in order to bring the entire world to proper order and obedience to goodness, they established the shih of the ruler to control it, illumined the notions of social norms and righteous principles to transform it, propounded laws and standards to bring order to it, and stressed punishments and penalties to place curbs on it.

While maintaining certain reservations, Hsün Tzu does acknowledge the effectiveness of Ch'in's programme for political domination of the empire, a programme based on Fa-chia principles which include the ruler's manipulation of his political purchase.[49] At the same time, true to his Confucian commitment, Hsün Tzu asserts that in the attainment and preservation of political control, moral and intellectual superiority in the administration of government must take precedence over the manipulation of political advantage: (59/16/23):

處勝人之勢行勝人之道天下莫敢湯武是也處勝人之勢不以勝人之道厚於有天下之勢索為匹夫不可得也桀紂是也然則得勝人之勢者其不如勝人之道遠矣

If one were to occupy the position of an eminent man and carry out his tao, no one would object. T'ang and Wu are examples of this. If one were to occupy the position of an eminent man and yet not employ his tao, even though he may have as much shih as an emperor, in the end he would not even get away with being a commoner. Chieh and Chou are examples of this. Such being the case, the difference between one who acquires the position of an eminent man and one who acquires his tao is great indeed.

To illustrate this point, Hsün Tzu suggests that a person who has only limited political purchase can, by virtue of

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[49] See 54/15/32.

his exemplary character and its manifestation in the government of his territory, win over the entire empire.[50] By contrast, he cites the historical examples of the miscreant rulers, Chieh and Chou, who had the birthright of emperor with all of the concomitant political advantage, and yet who lost everything because of moral deficiency and the turning away of their people.[51] Thus, although the ruler is the individual with access to the most political purchase in the empire, if he strays from the Confucian Way of the True King, he would have been better off without any position of authority at all (37/11/1):

國者天下之制利用也.人主者天下之利勢也.得道以持之.則大安也.大榮也.積美之原也.不得道以持之.則大危也.大累也.有之不如無之.及其卷也.索為匹夫.不可得也.

The state is the most useful instrument in the world and the ruler is the man with the most shih in the world. If he manages this instrument with the tao, he will enjoy great security and honour, and will be an outlet for a growing number of good deeds. But if he manages it without the right tao, he will suffer great peril and ill-repute, and would have been better off with no country at all. In extreme cases, he will not even get away with being a commoner.

The Hsün Tzu condemns the Fa-chia injunction for the ruler to control his ministers by exercising the political advantage available to him as ruler as an inferior method of exacting obedience from subordinates (59/16/11):

非劫之以形勢.非振之以誅殺.則無以有其下.夫是之謂暴察之勢.

Not being able to hold subordinates except by intimidating them with political purchase and terrorizing them with punishments and executions is what is called "the authority of harsh scrutiny".

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[50] See 40/11/65.

[51] See 60/16/35.

Hsün Tzu's primary objection to the Fa-chia conception of shih is that where the Fa-chia regard the shih in itself to be a sufficient condition for political control, Hsün Tzu is convinced that shih without popular support is a sinking ship, and is ultimately untenable. The acquisition and retention of shih is the direct result of winning over the people (40/11/70):

> 聰明君子者.善服人者也.人服而勢從之.人不服而勢去之.故王者已於服人矣.
> The discerning and perspicacious ruler is one adept at winning the admiration of the people. Where the people are won over, shih follows upon it, but where the people are not won over, shih departs. Thus, being a king rests in winning over the people.

And the people can only be won over by the actions of a morally superior ruler who is devoted to the public good--in short, the archetypal Confucian sage-ruler. Thus, the enlightened ruler devotes himself to his people with the knowledge that popular support also guarantees his own security, while it is the unenlightened ruler who concerns himself with shih (44/12/5):

> 故明主急得其人.而闇主急得其勢.急得其人.則身佚而國治.功大而名美.上可以王.下可以霸.不急得其人.而急得其勢.則身勞而國亂.功廢而名辱.社稷必危.
> Therefore, the perspicacious ruler considers the acquisition of men the most urgent task while the unenlightened ruler busies himself with the acquisition of shih. Where the ruler exerts himself in the acquisition of men, the state is properly ordered while he personally leads a life of ease, his accomplishments are great and his reputation is splendid. If he is of high quality he can become a True King, but even if he is of lower quality he can still become a hegemon. But if the ruler does not exert himself in the acquisition of men but rather busies himself in the acquisition of shih, the state will be in disorder in spite of his having exhausted himself, his accomplishments will be negligible and his name will be sullied. His state will certainly be in grave peril.

Significantly, Hsün Tzu's "unenlightened ruler" bears a striking resemblance to the Fa-chia portrayal of an effective head of state.

From the Hsün Tzu we have been able to construct a Confucian reaction to the Fa-chia conception of shih which will be of use in analyzing the Huai Nan Tzu's interpretation of shih and ascertaining its sympathies. Next, we turn to an examination of shih in the Han Fei Tzu, regarding this text as the confluence of Fa-chia thought and perhaps its most complete representative.

6. HAN FEI TZU

We have described the Han Fei Tzu, compiled in the middle of the 3rd C. B.C., as a confluence of the various streams of pre-Ch'in Fa-chia doctrine. In many respects it represents an aggregation, systematization and clarification of ideas current in the mid-3rd C. B.C.--ideas which required an acutely critical if not almost cynical mind to bring them together and integrate them into an internally consistent system of political philosophy. One of the most important of these ideas is shih.

The Han Fei Tzu uses the term shih with all of the special Fa-chia connotations found in the above analyses of the earlier Fa-chia texts. In fact, shih as a special Fa-chia term finds its most lucid expression in the essays of this text. Since the Han Fei Tzu uses the concept shih more extensively than any other early work, it stands to reason that a close scrutiny of its passages may lead us to a sharper understanding of this term and its importance to Fa-chia political theory. Indeed, by the time that Han Fei lent his logical and incisive argumentation to the expression of key Fa-chia concepts,

shih had come to occupy such an important position in the Fa-chia programme of government that any discussion of political control was impossible without it. The fact that the Han Fei Tzu devotes an entire chapter to a debate on the significance of this term bears testimony to its importance. After surveying the usage of shih in the text as a whole, we will examine this "Nan Shih" chapter in some detail.

(1) shih occurs in only four passages[52] with any reference to military operations, but these are altogether too general to shed any light on shih and its usage as a special military term.

(2) shih occurs with some frequency as "prevailing conditions or circumstances".[53]

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[52] See 12:14, 50:8, 171:6, and 163:2.

[53] As in the earlier Fa-chia texts which have been examined above, the meaning of this term can range from simply "present circumstances" (136:13):

> 惠子曰. 置猿於柙中. 則與豚同. 故勢不便. 非所以逞能也.
> "If", said Hui Tzu, "you put a monkey in a cage, it will be no different from a pig. Thus, where circumstances are not conducive to a thing, it does not give it room to express its ability." (Cf. Huai Nan Tzu 2/13b).

to the shape of circumstances in which two things participate, i.e. the situation in which they are both involved. While this may sound like a convoluted way of saying "relationship", it is important to remember that just as shih in its original military usage describes the situation of two armies--i.e. the two armies and their relationship to one another, so the meaning of shih here indicates the two states and the relationship in which they stand (41:13 and 308:7):

> 夫虞之有虢也. 如車之有輔. 輔依車. 車亦依輔. 虞虢之勢正是也.
> Now, Yü's having Kuo is like a carriage having a running-board. The running-board depends on the carriage, but the carriage also depends on the running-board. The situation between Yü and Kuo is exactly this.

(3) predictably, the most frequent occurrence of shih in the Han Fei Tzu is as the special Fa-chia term referring to the purchase available to a thing in consequence of its status. There is a very definite relationship between one's fen 分 --his social and political status--and the purchase which exists as a condition of this status. We find the expression fen shih pu erh 分勢不二 "where purchase matches position..." used on two occasions.[54] To exemplify this usage, the social status of commoner is without shih,[55] whereas exalted persons,[56] men of principle,[57] the crown prince,[58] court favourites,[59] the consort and concubines,[60] as well as ministers[61] and anyone else in the service of the ruler[62] all have shih as a condition

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言聽事行.則如師徒之勢.
When their words were heeded and their advice carried out, it was like a teacher-student situation.

Again, in the "Nan Shih" chapter, Han Fei use shih to describe an "unalterable natural tendency" (299:11):

故曰:勢治者則不可亂.而勢亂者則不可治也.此自然之勢也.非人之所得設也.
Therefore it is said: Where there is a tendency towards order, it cannot be thrown into disorder, but where there is a tendency towards disorder, it cannot be properly ordered. This is the natural tendency of things; it is not something that man has the power to establish. (Cf. Shang-chün shu 5/16a)

[54] See 284:10 and 332:11.

[55] See 346:8.

[56] See 156:4.

[57] See 235:15.

[58] See 80:2.

[59] See 68:14.

[60] See 84:2.

[61] See 238:5 and 242:10.

[62] See 325:4.

of their status. The degree of shih or "political purchase" is of course graduated, culminating in the position of the ruler himself.

Now, the Han Fei Tzu, a ruler's manual for political control, quite naturally concerns itself with the relationship between the position of ruler and the function of shih. This relationship is described in the Han Fei Tzu much along the lines found in the earlier Fa-chia texts, especially the Fa-chia portions of the Kuan Tzu.

In the Fa-chia tradition, a formal notion of fen 分 referring to the rights and duties of a given political position was articulated early on as a theoretical means of dividing up and containing the powers of individual ministers.[63] In the Han Fei Tzu, the central principle for bureaucratic control, hsing ming 刑名 , is based on first defining the rights and duties of an office and then insisting on absolute compliance with this definition in actual performance. Again, when a minister or an official comes forward with advice for the throne, he is called upon to give a full statement of how his particular policy will benefit the state. If his policy is adopted and implemented, he is judged by the accuracy of his forecast where the results neither exceed nor fall short of his claims. Where there is correspondence between the duties and the actual performance of ministers, and where there is correspondence between the claims and the actual results of policies, generous rewards are appropriate, but where correspondence is lacking, punishments--immediate, public and severe--are in order.

This principle of hsing ming seen from the perspective of the ruler has the twofold purpose of placing

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[63] For example, the Shang-chün shu has a chapter entitled "Ting Fen 定分 ". Fen is also an important expression in the "Ming Fa Chieh" chapter of the Kuan Tzu where it occurs both singly and in the compound fen chih 分職 .

the responsibility for certain duties or the success of certain policies squarely on the shoulders of specific ministers and protecting the privileges and the political purchase of the throne. The position of the ruler is defined by and dependent upon the retention of the shih available to his office (363:2):

> 萬乘之主.千乘之君.所以制天下而征諸侯者.以其威勢也.威勢者.人主之筋力也.
>
> The reason that a ruler of a ten thousand chariot state and the lord of a thousand chariot state are in control of the empire and can punish the various nobles is because of their authority and shih. Authority and shih are the muscle and strength of the ruler.

In order to safeguard his own control, the capable ruler permits no confusion or fluctuation in the privileges and duties available to an official (180:16):

> 參疑之勢.亂之所由生也.故明主慎之.
>
> A situation in which there is confusion and approximating in rights and duties is a source of disorder. Thus, the perspicacious ruler is cautious with respect to it.

If the ruler, abandoning his personal control over the shih and the political privileges attendant on his station, instead seeks to meddle in the administrative affairs of his ministers, he will find himself ineffectual in both areas (212:13):

> 夫不躬親其勢柄而欲為人臣所宜為者也.瞫不亦宜乎.
>
> If the ruler does not lend his personal attention to his shih and the handles of power, but rather insists on attending to affairs appropriate to his ministers, is it any surprise that he falls asleep over them!

The ruler, beyond his political status as ruler, also has the attributes and qualities of an individual person. If, however, he attempts to exercise control on the basis of these personal attributes rather than with the political purchase available to his position, he pits his own strength of character against that of every other person in the state (234:8):

國者君之車也.勢者君之馬也.夫不處勢以禁(誅)擅愛之臣.而必德厚以與天下.齊行以爭民.是皆不乘君之車.不因馬之利.釋車而下走者也.

The state is the chariot of the ruler and shih is his steed. Not to use shih to restrain ministers who usurp the love of the people but to insist on being magnanimous in order to compete on equal terms with your subordinates for the allegiance of the people is to choose to abandon the chariot altogether and run rather than taking advantage of it and the facility of the horses.

To rely exclusively upon his own faculties for maintaining control is not nearly as effective as tapping the collective powers of the empire which are made available to him as a function of his status as ruler (71:8):

不任其數而待目以為明.所見者少矣.非不弊之術也.不因其勢而待耳以為聰.所聞者寡矣.非不欺之道也.明主者.使天下不得不為己視.不得不為己聽.故身在深宮中.而明照四海之內.

When the ruler relies upon his eyes for perspicacity rather than trusting to numbers, what he sees will be little indeed. This is not the method to avoid being deceived. When he relies upon his ears for keenness of hearing rather than taking advantage of his shih, what he hears will be little indeed. This is not the way to avoid being duped. The perspicacious ruler gives the world no alternative but to see and hear for him. Thus, although he dwells deep within his palace, his perspicacity lights up all within his realm.

Clearly, it is the shih or "political purchase" of the ruler rather than his own excellent qualities which is essential for proper government (155:5):

夫有材而無勢.雖賢不能制不肖.

If one has the talent but not the shih, even though he is a good man, he will not be able to keep those who are no good under control.

By exercising the political advantages of the ruler, even a man of very average parts can rule effectively (266:2):

且夫以身為苦而後化民者.堯舜之所難也.處勢而驕下者.庸主之所易也.

Moreover, to put oneself in difficult straits and transform the people by wearing oneself out is something even Yao and Shun found difficult, whereas to rectify one's subjects through the use of shih is a matter that even a mediocre ruler would find easy.

Conversely, without the political purchase of a ruler, even a Yao or Shun would be unable to bring the world to a state of order (74:13):

無威嚴之勢.賞罰之法.雖堯舜不能以為治.

Without the shih afforded by the authority and dignity of their position and without the laws governing rewards and punishments, even a Yao or Shun would be unable to establish proper order.

The function of the ruler's shih is to maintain his control over his subordinates (337:15 and 330:14):

民以制畏上.而上以勢卑下.

The people because they are under their superior's control fear him while the superior with his shih dominates those beneath him.

勢者勝衆之資也.

Shih is the means to overwhelm the many.

In his relationship with his bureaucracy, the ruler must trust to political advantage rather than personal loyalty if he is to retain his position (216:8):[64]

恃勢而不恃信.

The ruler must rely on shih rather than his faith in his ministers.

This is because the people work for the sovereign not in response to any love he may bear for them, but because they find this course of action to their own advantage (254:4):

彼民之所以為我用者.非以吾愛之為我用者也.以吾勢之為我用者也.

That the people work for me does not mean they are working for me because of my love but are working for me because of my shih.

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[64] Cf. Shang-chün shu 5/9a.

Where it is exercised adeptly, political purchase is not only effective in foiling dissolute ministers (74:2):

> 世之學術者說人主不曰乘威嚴之勢以困姦衰之臣.而皆曰仁義惠愛而已矣.
>
> In counselling the ruler, the scholars of the present age all harp on benevolence, rightness, magnanimity and love instead of saying take advantage of the shih afforded by your authority and awesomeness to keep down wicked ministers.

but further can be used to arrest this malignancy before it can grow to challenge his position (235:2):

> 故子夏曰:善持勢者.蚤絕姦之萌.
>
> Thus, Tzu Hsia said: "One adept at handling shih nips evil in the bud."

The shih of the ruler is maintained through his exclusive power over life and death (330:14):

> 君執柄以處勢.故令行禁止.柄者.殺生之制也.勢者.勝衆之資也.
>
> The ruler abides in his shih by maintaining his grip on the handles. As a result, his commands are carried out and his prohibitions are observed. The handles are the control over life and death; the shih is the means to overwhelm the many.

But this same shih, if not retained by the ruler as his exclusive property, can be used by others to undermine him (85:5):

> 偏借其權勢則上下易位矣.
>
> If he loans out his authority and shih, the superior and the subordinate will change places.

The ruler is warned repeatedly that he must not relegate his shih to his ministers (251:13):

> 人主又安能與其臣共勢以成功乎.
>
> How then could the ruler possibly attain success by sharing his shih with his ministers!

If he allows a minister the smallest concession or special privilege, this relaxation of principle on the part of the ruler can be used to gain advantages a hundred times the intended value (179:5):

> 權勢不可以借人.上失其一.臣以為百.

> Authority and shih cannot be lent to others. If the ruler loses one unit the minister will turn it into a hundred.

Once the shih of the ruler has been wrested from him, there is no turning back. In all likelihood, the ruler himself will be expunged and his state will be consumed in turmoil (116:15):[65]

> 勢重者.人君之淵也.君人者勢重於人臣之閒.失則不可復得也.簡公失之於田成.晉公失之於六卿.而邦亡身死.
> Shih and weightiness are the pool of the ruler. If the ruler loses his shih and weightiness to the ministers, they cannot be retrieved. When Duke Chien lost them to T'ien Ch'eng and the Duke of Chin lost them to the six ministers, their states perished and they lost their lives.

Even though the function of shih or "political purchase" described in the Han Fei Tzu would seem to be substantially the same as that outlined in our analysis of the Kuan Tzu, in fact there are three areas in which the Han Fei Tzu does seem to depart from the representation of shih found in the earlier Fa-chia texts.

Firstly, in the Han Fei Tzu we find an emphasis on the surveillance and ruthless repression of ministers and individuals close to the throne which is simply not present to the same degree in the earlier Fa-chia texts. From a historical point of view, this emphasis might be interpreted as a reaction to an era of intense political struggle in which intrigue, conspiracy and ministerial usurpation had become crowded concourses of political mobility. Han Fei interprets political life as an on-going conflict of individual self-interests. Only the ruler with enough astuteness and resolve to employ every advantage at his disposal can continue in power. All of the nobler sentiments such as love, trust, honour and

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[65] This passage is obviously corrupt. We would emend this by reading the phrase 君人者勢重於人臣之閒.失則不可復得也 as 君人者失勢重於人臣則不可復得也.

mercy are repudiated as footholds for conspiring ministers and would-be usurpers, and are replaced by cold reason and the dexterous manipulation of power. The complete distrust advocated by the Han Fei Tzu respects no social institution or relationship. In fact, the closer the individual stands to the hub of power, the greater is his potential danger to the ruler. Thus, the ruler must be ever-vigilant if he is to parry successfully the challanges to his position which may be thrust at him from such close quarters.

Secondly, with the Han Fei Tzu's place as the consolidation and systematization of Fa-chia doctrine, it is not surprising that in this text the concept of shih is found to be integrally woven into the fabric of a mature political philosophy. It is represented not as an independent principle, but in close relation to other central Fa-chia concepts such as political techniques (shu 術), penal laws (fa 法), the handles of reward and punishment (erh ping 二柄) and hsing ming (刑名).

Finally, and perhaps most significantly, the concept of shih in the Han Fei Tzu is not propounded as pure political theory. Rather it is put forward as a central principle in a practical and viable system of political control represented as a superior alternative to the doctrines of its two greatest rivals, the Confucian and Mohist schools. Whereas shih is discussed and recommended in the Shang-chün shu and the Kuan Tzu on its own merits, in the Han Fei Tzu it is repeatedly compared with the notion of rule by virtue. For example (342:11):

> 且民者.固服於勢.寡能懷於義.
> Moreover, whereas the people will certainly submit to shih, few can be won over by rightness.

This same passage continues by pointing out that Confucius with his benevolence (jen) and rightness (yi) was only able to win over seventy men to his service. Duke Ai of Lu--a man with little to recommend him--made subjects of

everyone within his borders, including Confucius. When the influence of Confucius, the embodiment of moral excellence, is weighed against the political purchase of even a very mediocre ruler, the scales tip decisively in the ruler's favour. While the moral and intellectual qualities of Confucius failed to make any impression on his ruler at all, Confucius had no choice but to submit to the weight of Duke Ai's poltical control. Having demonstrated the relative effectiveness of purchase as an instrument of government, Han Fei then proceeds to castigate the scholars of his day--the Confucians and Mohists--for advocating devotion to the principles of benevolence and rightness rather than counselling their rulers to take advantage of their infallible purchase. Such a policy, admonishes Han Fei, is to expect the ruler to be a man of Confucius' stature and the common people to be on a par with his disciples, and is doomed to certain failure.

In yet another passage,[66] Han Fei criticizes Confucius for advising the Governor of She that "proper government lies in making those close at hand content and attracting those from distant quarters." This is tantamount to "abandoning that which his shih is able to prohibit and making him compete with his subordinates in magnanimity to win over the people." Again, such a course being doomed to failure, the ruler will not even be able to retain his political advantage.

While an element of the confrontation between Fa-chia and Confucian-Mohist doctrine is clear in these passages, in the "Nan Shih" debate it becomes the predominant theme. The "Nan Shih" chapter is, for the most part, a Fa-chia refutation of the common arguments for government by virtue and an apology for its own concept of government by political purchase. A brief look at the structure

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[66] See 284:15. Following Ku Kuang-ts'e in reading 亦 as 于.

and contents of this debate will demonstrate the degree of Han Fei's commitment to the concept of government by political purchase.

The debate consists of three sections:

(a) a statement on the efficacy of shih as an instrument of political control ostensibly cited from the writings of Shen Tao.

The present Shen (Tao) Tzu 4a-b contains a similarly worded by much abbreviated passage which may have been inflated to serve Han Fei's purposes. The gist of this statement is that whereas moral and intellectual superiority may have some qualitative bearing on the success of government, it is in fact the ch'üan 權, wei 位 and shih 勢 which are essential to effect political control.

(b) a rebuttal to Shen Tao's statement from a Confucian-Mohist perspective, advocating government by virtue over government by shih.

Whereas Shen Tao's statement attempts to illustrate by analogy, the trumped up rebuttal seizes upon the analogy and attempts to disprove the assertion by extending the analogy. This, of course, is putting the side at an obvious but perhaps not unintentional disadvantage.

(c) a clarification and defense of Shen Tao's thesis through a refutation of the Confucian-Mohist arguments.

This section represents Han Fei's own position, and makes the following important assertions:

i) There is a definite ambiguity surrounding the usage of this character shih (299:5):

夫勢者名一而變無數者也.

Purchase (shih) has only one name but has innumerable variations.

ii) Although shih does not occur elsewhere in the Han Fei Tzu with the meaning of "inevitable natural tendency", on the basis of a passage cited from the Shang-chün shu Han Fei points out that it can in fact have this meaning.

This he calls 自然之勢 . This usage of shih refers to a situation not only beyond man's control but even beyond his range of influence. To exemplify this notion of "inevitable natural tendency", he cites the historical examples of Yao and Shun who encountered a situation conducive to good government and who were thus successful. The opposite was true of Chieh and Chou, and hence chaos ensued. Thus, extremes of order and chaos are due more to an inevitable natural tendency of the times--factors beyond human control--than to the moral calibre of any individual ruler. Given the fact that these circumstances cannot be significantly influenced by man, it is really pointless to consider them in the construction of a system of political control.

iii) Cases as extreme as Yao and Shun on the one hand and Chieh and Chou on the other are too rare to have a bearing on the problems of government. Political purchase is an instrument of government which will enable the average ruler to maintain control in all but very extreme situations. These extreme situations occur so infrequently that they do not detract from the efficacy of shih. This notion of a system of government devised for the average ruler (or worse) is perhaps unique to the Han Fei Tzu, and underscores the practical nature of his doctrine. Where Confucians and Mohists would press their rulers to staggering heights of moral excellence, and would encourage them to reach for ideals far beyond their grasp, Han Fei was content to propose a programme more in keeping with the actual quality of these rulers.

iv) Government should be recognized as a craft, and "purchase" or shih should be accorded the status of an indispensable tool of the trade.

In the Han Fei Tzu, the usage of shih as a special Fa-chia term is brought into very sharp focus indeed. It is further represented as a very real alternative to the

Confucian-Mohist principle of government by virtue. The Han Fei Tzu is the last in our analyses of early Militarist and Fa-chia texts. From these works, we have been able to construct a reasonably clear picture of the term shih with its special military and Fa-chia connotations. Further, from the Hsün Tzu and Han Fei Tzu we have been able to register a reaction of rival schools to this central concept of Fa-chia doctrine. With this fairly well-defined understanding of the various connotations of the term shih as our basis for comparison, we can now turn to an analysis of the use of shih in the Huai Nan Tzu with particular attention to the "Chu Shu" political thought.

D. SHIH IN THE HUAI NAN TZU

In the preceding two sections, we have traced the development of shih as both a special Militarist term and a special Fa-chia term. Given the dearth of extant material which can be considered representative of the Militarist school, the "Ping Lüeh" chapter of the Huai Nan Tzu has been of significant value in shedding light on the military connotations of this term. By carefully examining pertinent passages in the Sun Tzu, Sun Pin ping-fa and the "Ping Lüeh" chapter of the Huai Nan Tzu, we have been able to develop a reasonably clear understanding of the various military implications of shih. Having examined the military usage in the first section, we then proceeded to trace its increasing importance in the development of Fa-chia doctrine in the second. This importance culminated in the Han Fei Tzu where shih occupies a position as one of the three central concepts of Han Fei Tzu's political theory. In the process of tracing the development of shih as a special Fa-chia term, we were further

able to detect a late Chou confrontation between the Fa-chia principle of government by shih or "political purchase" and the Confucian-Mohist principle of government by moral influence.

On the basis of this analysis of shih, we propose in this section to examine the usage of this term in the Huai Nan Tzu with an eye to determining the political orientation of the "Chu Shu" chapter. As a method of providing some direction for our investigation, we proffer the following set of questions:

(1) In addition to the usage of shih as a special Militarist and Fa-chia term, to what extent does it retain the more general range of meaning found in the early texts?

(2) Is the special Fa-chia usage of shih "purely" Fa-chia, or is there an attempt to reconcile this concept with rival philosophical ideas? In particular, is there any attempt to resolve the differences between the Fa-chia notion of rule by political purchase and the Confucian-Mohist principle of government by moral suasion?

(3) To what extent does the Huai Nan Tzu include borrowings from the earlier Fa-chia texts, and have these borrowings been altered in any significant way?

(4) Do these passages relating to shih represent individual and independent statements on this Fa-chia principle, or does a consistent if not slightly modified concept emerge?

(5) If a consistent interpretation of shih does emerge, is this interpretation general throughout the Huai Nan Tzu as a whole, or is it limited to any particular section?

(6) Can the Huai Nan Tzu interpretation of shih be said to reflect its historical context? Does it indicate disenchantment with Fa-chia doctrine arising from the

failure of the authoritarian Ch'in regime and its theoretical basis? Does it presage the rise and acknowledgement of Confucianism as the official state doctrine? Does it offer any insights into the particular situation of Liu An under whose patronage this text was compiled?

From our analysis of the term shih in the Huai Nan Tzu, the first question posed above can be readily answered. The Huai Nan Tzu uses shih with perhaps a wider range of meaning than in any other text that we have examined. This is possibly attributable to the length, diversified contents, and composite nature of the Huai Nan Tzu, and the relatively late date of its compilation. Generally speaking, the use of shih as a special military term is confined to the "Ping Lüeh" chapter while its use as a special Fa-chia term occurs only once[67] outside of the "Chu Shu" chapter. Apart from these two special usages, however, shih occurs frequently and with a variety of meanings thoughout the text. Relegating our examination of these other usages to a footnote to complete our survey of the various meanings of this term up to the early Han, we will press on to analyze the specifically Fa-chia usage.[68]

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[67] See 13/6b.

[68] 1) The importance of the Huai Nan Tzu in ascertaining the connotations of shih with respect to the deployment of the military has been discussed above in section B of this chapter. The usage of shih as a special military term is confined to the "Ping Lüeh" chapter and the short description of this chapter in the "Yao Lüeh" summary of the text. Given the scarcity of extant Militarist writings, this chapter has proved extremely vital to an understanding of the origins of this term as "military purchase".

2) Shih occurs with the meaning of "prevailing conditions or circumstances" with some frequency. It can mean simply "conditions" (11/4a):

金之性沉託之於舟上則浮勢有所枝也夫素之質白染

As we have stated, the specifically Fa-chia usage of shih in articulating the function of purchase as an instrument of political control is almost wholly limited to the

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之以涅則黑.緡之性黃.染之以丹則赤.

By nature metal sinks, but if it is placed inside a boat, it will float. This is because in the nature of the situation it is supported. Raw silk is originally white, but if soaked in black dye, it will turn black. The original nature of raw gauze is yellow, but if dyed with cinnabar, it will turn red.

or "circumstances" (11/13a-b):

昔齊桓公合諸侯以乘車.退誅於國以斧鉞.晉文公合諸侯以革車.退行於國以礼義.桓公前柔而後剛.文公前剛而後柔.然而令行乎天下.權制諸侯鈞者.審於勢之變也.

Of old Duke Huan of Ch'i in assembling the various nobles rode in a carriage, but afterwards governed his own state by punishments with battle-axes. Duke Wen of Chin in assembling the various nobles rode in a war chariot, but afterwards governed his state by implementing social norms and standards of rightness. Duke Huan took a soft line first and a hard line afterwards, whereas Duke Wen took a hard line first and a soft line afterwards. Even so, the fact that in their commands being implemented throughout the empire and in their authority holding sway over the various nobles, they were on an even footing was because they were aware of changing circumstances.

It is not unusual to find a close association between shih as "conducive circumstances" and "timeliness", as in the expressions (8/7b) 乘時因勢 and (15/6b) 乘時勢因 . The importance of conducive circumstances in determining the success or failure of a given enterprise is a particularly strong theme in the text (2/13b and 11/13b):

古之聖人.其和愉寧靜性也.其志得道行命也.是故性建命而後能行.命得性而後能明.烏號之弓.綸子之弩.不能無弦而射.越拳蜀艇.不能無水而浮.今繒繳機而在上.罟罾張而在下.雖欲翱翔.其勢焉得.

Now for the sages of antiquity, that they were contented and tranquil was due to their nature, but that their purposes were realized and their tao implemented

"Chu Shu" chapter. Shih as used in this chapter would seem to have a strong link with the usage found in the historically earlier Fa-chia texts which have been analyzed above. This observation is borne out by a striking

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was due to fate. Hence, nature must be coincident with the proper fate before it can be realized and fate must be supported by the proper nature before it can prevail. Even the wu hao bow and the ch'i tzu crossbow cannot shoot without a bowstring, and even the ling craft of Shu cannot float without water. Now, the bird-bows are drawn and ready and the bird-nets are set below, so even if a bird wanted to take to the air, under such circumstances, how can it fly at all!

世人多拊古之人而高其行.並世有與同者.而弗知貴也.非才下也.時弗宜也.故六騏驥駟駃騠以濟江河.不若竅木便者.處勢然也.

The world is in the habit of praising those of antiquity and exalting their conduct. The fact that the present age has their equals but that none recognize their value is not because their talents are inferior, but because the times are not conducive. The fact that hollow trees are of more facility in fording a stream than teams of the finest horses is because circumstances are so.

Hsü Fu-kuan (pp. 80-1) interprets this theme historically, suggesting that the authors of the Huai Nan Tzu were reflecting inner distress at the untenable situation of their patron, Liu An, and were at the same time attempting to encourage him in his political ambitions. Whatever the case, the text as a whole does tend to reflect unmistakeably a sense of helplessness in the face of prevailing circumstances.

In addition to an appreciation of the influence of prevailing circumstances, there is an acknowledgement of environmental circumstances which accompany things as a condition of their existence (9/7b-8a and 1/6b):

禹決江疏河.以為天下興利.而不能使水西流.稷辟土墾草.以為百姓力農.然不能使禾冬生.豈其人事不至哉.其勢不可也.夫推而不可為之勢.而不修道理之數.雖神聖人不能以成其功.而況當世之主乎.

similarity in wording and metaphor which is immediately apparent in a comparison of passages from the Huai Nan Tzu and those examined in earlier Fa-chia works--especially the Han Fei Tzu. This similarity in content and wording

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> Yü diverted the course of the Yangtze and drained off the Yellow river in order to benefit the world, but it was not within his ability to make the waters flow westward. Chi cleared the land in order to encourage farming among the people, but it was not within his ability to make grain grow in winter. It was certainly not because of a lack of human effort, but because this was not possible in the nature of things. Now if one insists on moving upstream instead of following the inevitability of natural principles, even a saint or sage would be unable to achieve success, how much less the ruler of our present age!
>
> 兩木相摩而然金火相守而流員者相轉窾者主浮自然之勢也.
>
> Two pieces of wood when rubbed together ignite; metal becomes molten when placed in proximity to fire; round things as a rule roll while hollow things float. These are circumstances natural to them.

As is asserted in the above two passages, when two phenomena are brought together, there is a resultant set of "circumstances"--the circumstances brought about by the interaction of their respective natures (9/4b):

> 夫舟浮於水車轉於陸此勢之自然也.
>
> Now, a boat in floating on water and a vehicle in rolling along the land are natural to their circumstances.

3) Related to this notion of circumstances which result from the position of a thing relative to other phenomena in the environment is "purchase"--political or social--available to an individual by virtue of his position relative to other individuals in the society, i.e. his status. The individual can have "purchase" derived from and expressed in terms of military strength (1/13a-b and 13/9a):

> 末世有勢為萬乘而日憂悲者.
>
> And in the last days of an era there have been those with the purchase (shih) of 10,000 chariots and yet whose every day was anxiety and misery.
>
> 若無道術度量而以自儉約則萬乘之勢不足以為尊天下之富不足以為樂矣.

between the "Chu Shu" chapter and earlier Fa-chia texts also tends to accentuate their dissimilarities. While the "Chu Shu" chapter shares something of a common doctrinal foundation with these texts, it also incorporates ideas which can only be described as radically divergent from traditional Fa-chia thought. These divergent ideas are both fundamental and consistent, and will warrant close scrutiny. At the same time, we will be able to identify and examine those elements taken over from its Fa-chia antecedents.

The passages which make reference to shih in the "Chu Shu" chapter are either simple expositions of Fa-chia precepts or more complex fusions of Fa-chia doctrine and borrowings from rival traditions. In order to assay their contents and orientation, we will have to look at each one of these passages individually, abstract the Fa-chia elements and isolate, identify and discuss those principles absorbed from other sources.

> If one is without technique or standards but devotes himself to the pursuit of frugality and moderation, then even the purchase (shih) of 10,000 chariots will not make him feel exalted and even the wealth of ruling the whole world will not give him pleasure.

He can also acquire shih from rank or high position (15/5b):

> 二世皇帝勢為天子，富有天下，人迹所至，舟檝所通，莫不為郡縣。
>
> Erh Shih Huang Ti held the political purchase (shih) of the emperor and in wealth owned the world. There was nowhere that footprints reached or that oars plied that was not his chün or hsien.

There are many expressions used in the text to express this association between "purchase" and status: shih wei 勢位 "purchase and position" (7/8a, 10/13b, 13/10a, 15/6a, 20/13a); shih ming 勢名 "purchase and rank" (1/16b); wei shih 威勢 "awesomeness and purchase" (13/4a); ch'üan shih 權勢 "authority and purchase" (15/8b). In the Huai Nan Tzu as in the earlier texts purchase is frequently mentioned together with personal advantage as shih li 勢利 "purchase and personal advantage" (1/17b, 2/11a, 14/1b, 15/15a, 19/4a, 21/3b).

Political purchase (shih) as an effective device for political control

In the "Chu Shu" chapter, there are three passages which use the "chariot" metaphor as an analogy for the structure of the state: 9/7a, 9/9b and 9/13b-14a. The second of these passages would seem to be wholly Fa-chia in its orientation (9/9b):

權勢者人主之車輿爵祿者人臣之轡銜也是故人主處權勢之要而持爵祿之柄審緩急之度而適取予之節是以天下盡力而不倦夫臣主之相與也非有父子之厚骨肉之親也而竭力殊死不辟其軀者何也勢有便之然也

> Political authority and purchase (shih) are the carriage of the ruler; rank and emoluments are the harness and bit of the ministers. Hence, because the ruler dwells at the focal point of political power and holds firmly to the control handles of rank and emoluments, judges nicely the degree of control and is appropriate in when and how much to give and take away, all of the people exhaust themselves in his service without feeling fatigued. Now the relationship between ruler and minister has neither the substance of the bond between father and son nor the depth of feeling between flesh and blood relatives, and yet the minister will work untiringly and risk his life for the sake of the ruler. Why is this? It is because political purchase (shih) makes him do so.

The Fa-chia elements which can be identified in this passage are:

1) arguments are presented wholly from the ruler's perspective and with his interests in mind.

2) use of "chariot" metaphor (cf. Han Fei Tzu 234:9, 259:5 and 299:1) and the interpretation of shih as a device which provides the ruler with a chariot-like advantage. The ruler does not compete with his subjects on their level, but rather rides aloft enjoying his exclusive access to the political advantage of ruler.

3) use of appropriate rewards and punishments as a device for controlling and directing the ministers.

4) a practical assessment of the limitations of the bond of loyalty and affection which can exist between ruler and subject, and a rejection of this bond as an effective means of insuring diligent and faithful service from a subordinate (cf. Han Fei Tzu 70:13, 73:13 and 267:5).

5) reliance upon the manipulation of the ruler's singularly high position and its attendant purchase for exacting the utmost service from subordinates.

Reciprocal relationship between ruler and minister

The orientation of the 9/13b-14a passage in its use of the "chariot" metaphor is somewhat more complex:

聖主之治也.其猶造父之御.齊轡銜之于繆衡之際.而急緩之于脣吻之和.正度於胸臆之中.而執節於掌握之間.內得於心中.外合於馬志.是故能進退履繩.而旋曲中規.取道致遠而氣力有餘.誠得其術也.是故權勢者人主之車輿也.大臣者人主之駟馬也.體離車輿之安.而手失駟馬之心而能不危者.古今未有也.是故輿馬不調.王良不能以取道.君臣不和.唐虞不能以為治.執術而御之.則管晏之智盡矣.明分以示之.則跖蹻之姦止矣.

The government of a sagacious ruler is like the charioting of Tsao Fu. He controls the carriage from the point at which the reins join the bit and regulates the tightness of his grip on the reins from the agitation of the horses' lips. He decides appropriate measures in his own mind and retains a firm grip on the reins in his own hands. What he arrives at in his own mind within is externally in accord with the intentions of his horses. Thus, the reason that he is able to move forward and withdraw as straight as a plumb line, turn a corner as roundly as a compass, and even after covering a great distance still have energy to spare is because he truly understands the technique.

> Thus, political authority and purchase is the carriage of the ruler and the great ministers are his team of horses. There has never been a case past or present of a driver escaping danger who leaves the safety of his carriage and loses the responsiveness of his horses to his hands. Therefore, if the carriage and the horses are not concordant, even a Wang Liang would be unable to take to the road. If the ruler and his ministers are not in harmony, even a Yao or Shun would be unable to govern properly. If with a firm grip on the methodology he drives it (i.e. the chariot of state), then a Kuan Chung or a Yen Tzu would serve him to the full extent of their intelligence; if he shows up clearly the distinction between different stations, then the wickedness of a Robber Chih or a Chuang Ch'iao can be prevented from arising.

In this passage, the obvious Fa-chia elements are:

1) use of "chariot" metaphor (cf. Han Fei Tzu 234:9, 259:5, 299:1) and the legendary charioteers, Wang Liang and Tsao Fu.

2) emphasis on the importance of "techniques (shu 術)".

3) notion that if the ruler abandons his chariot and competes with his subordinates on their own level, he places himself in danger (Han Fei Tzu 234:8).

4) Fa-chia heros: Kuan Chung and Yen Tzu.

5) use of "status (fen 分)" and the importance of retaining the sharp distinction between roles, rights and duties (cf. Han Fei Tzu 180:16).

While this second passage which uses the "chariot" metaphor is unmistakably Fa-chia in its basic sympathy, in the emphasis upon a concordant relationship between ruler and minister--i.e. a mutually co-operative and beneficial relationship as opposed to one dominated by the ruler's absolute and despotic control---there is a definite Confucian influence.[69] This Confucian influence stands in stark contrast to the Fa-chia attitude of perpetual confrontation (Han Fei Tzu 34:10): 上下一日百戰

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[69] Hsü Fu-kuan pp. 143-4 also detects a Confucian influence here.

The superior and subordinate fight a hundred battles in the course of a day.

This Confucian interpretation of the relationship between ruler and minister functioning on a reciprocal basis is developed as the central theme in the following passage (9/10a-b):[70]

夫疾風而波興.木茂而鳥集.相生之氣也.是故臣不得其所欲於君者.君亦不能得其所求於臣也.君臣之施者.相報之數也.是故臣盡力死節以與君計.君垂爵以與臣市.故臣不能賞無功之臣.臣亦不能死無德之君.君德不下流於民.而欲用之.如鞭跳馬矣.是猶不待雨而求熟稼.必不可之數也.

Where there are strong winds, the waves rise, and where there is thick foliage, the birds gather. This is because these things go together. Thus, when the minister does not get what he wants from the ruler, the ruler will also be unable to get what he seeks from the minister. The ruler and minister benefit each other only on a basis of reciprocity. Thus, the minister barters with his ruler by offering total commitment to the point of laying down his life while the ruler trades with his ministers by offering the dispensation of noble ranks. Just as the ruler cannot reward a minister who has rendered no service, a minister cannot die for a ruler to whom he owes no gratitude. When the favours of the ruler do not flow down to the people, for him to want to get service out of them is like whipping an unruly horse. It is like hoping for a ripe harvest without rain. It is simply impossible.

An interesting comparison can be made between this Huai

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[70] The term te 德 is used in this passage in a manner reminiscent of the "Erh Ping" chapter of the Han Fei Tzu where it stands in contrast to "punishments" (26:15):

二柄者.刑德也.何謂刑德.曰.殺戮之謂刑.慶賞之謂德.

The two control handles are punishments and favours. What is meant by punishments and favours? Execution and disgrace are called punishments; honours and reward are called favours.

Nan Tzu passage and a similar passage in Han Fei Tzu (267:4):

> 明主之道不然.設民所欲以求其功.故為爵祿以勸之.設民所惡以禁其姦.故為刑罰以威之.慶賞信而刑罰必.故君舉功於臣.而姦不用於上.雖有賢才.其奈君何.且臣盡死力以與君市.君垂爵祿以與臣市.君臣之際.非父子之親也.計數之所出也.君有道則臣盡力而姦不生.無道則臣上塞主明而下成私.
>
> The Way of the perspicacious ruler is not like this. Establishing what the people want in order to seek their good service, he thus confers noble ranks and emoluments to encourage them. Establishing what the people dislike in order to prohibit their evil, he thus metes out punishments and penalties to strike fear into them. Since his rewards can be relied upon and his punishments are certain, the ruler promotes good service from his ministers and evil is not used against him. Even if there was a Shu Tiao, what could he do to the ruler! Furthermore, the minister bargins with his ruler by offering total commitment while the ruler trades with his ministers by offering the dispensation of noble ranks and emoluments.[71] The intercourse between ruler and minister is not based on the natural love between father and son, but rather is the result of calculation. Where the ruler has the Way of government, a minister will give his best without being tempted by evil, but where the ruler is without it, a minister will obstruct the ruler's vision above and be successful in his own interests below.

On the surface, these two passages would appear to be related both in wording and content. A closer examination, however, reveals that while the Han Fei Tzu passage is a straightforward explanation of the theoretical basis for the policy of rewards and punishments, the Huai Nan Tzu takes as its main theme the reciprocal nature of the ruler-minister relationship.

Firstly, this Huai Nan Tzu passage follows upon two

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[71] Emending this passage on the basis of the Huai Nan Tzu 9/10a-b to read:

則臣盡死力以擧君計.君垂爵祿以與臣市.

historical examples--Yü Jang and King Wu--which both illustrate and lay emphasis upon the vital role played by the ruler's magnanimity. A direct connection is established between the generosity of the ruler and his ability to implement his commands. While in the Han Fei Tzu, rewards and honours are conferred upon subordinates as a mercenary techique for exacting service, in the Huai Nan Tzu rewards, honours and favours generally are construed as a moral obligation of the ruler to his subordinates. Where the ruler exerts himself in the fulfilment of this obligation to his people, his concern is requited with loyalty, devotion and good service. Conversely, where the ruler demonstrates a blatant disregard for the comfort and well-being of his people, he is in fact undermining the security of his own position. This notion of moral obligation which has been injected into the Huai Nan Tzu's interpretation of the ruler-minister and ruler-subject relationships clearly distinguishes it from the Fa-chia counterpart.

Secondly, one of the most pronounced features of Fa-chia literature is that political theory is constructed wholly from the point of view of the ruler's interest. In this Huai Nan Tzu passage, however, the relationship between ruler and subordinate is described in terms of mutual obligations and responsibilities, and if anything, the perspective which is assumed would tend to favour the minister and the people. Not only does it enjoin the ruler to refrain from rewarding unaccomplished ministers, but further it makes it amply clear that the people will not work for a ruler who fails to fulfill his obligations to them. The tempering of this concept of shih with a marked emphasis on ruler-subject reciprocity represents a very definite concession to Confucian influence.

Usurpation of the ruler's purchase being symptomatic of decline

While there are many passages in the "Chu Shu" chapter in which Fa-chia political theory has been significantly altered by ideas borrowed from rival traditions, it should not be forgotten that there is still much in this chapter which is predominantly Fa-chia in outlook. The following 9/9b passage, for example, is wholly Fa-chia in its orientation:[72]

亂國則不然.有衆咸譽者.無功而賞.守職者無罪而誅.主上闇而不明.群臣黨而不忠.說談者游於辯.脩行者競於往.主上出令則非之以與.法令所禁.則犯之.邪.為智者務為巧詐.為勇者務於鬬爭.大臣專權.下吏持勢.朋黨罔比以弄其上.國雖者存.古人之曰亡矣.

> In a disorderly state this is not the case. Those praised by the multitude are rewarded even though they have no accomplishments, whereas those who are faithful in their duties are punished even though they are innocent. The ruler is foolish and short-sighted, and the various ministers form factions and are disloyal. The sophists travel about debating and the well-bred vie with each other in pushing themselves forward. With their cliques they criticize the edicts promulgated by the ruler, and with their deviousness they contravene the prohibitions of law. Those who cultivate wisdom devote themselves to cunning and deceit, and those who cultivate courage devote themselves to contention and strife. The high ministers usurp authority; the low officials seize political purchase. And forming cliques and factions, they manipulate the ruler. Even though this state appears to be functioning, the ancients would have written it off.

Having previously described an orderly state as one which embodies Fa-chia principles of political control, this passage then describes the state which, having abandoned these same principles, has gone to ruin. One sure indi-

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[72] Cf. Kuan Tzu 3:56-2.

cation that ruin is imminent is ministerial usurpation of the ruler's purchase.[73]

Ruler's purchase rather than individual qualities

Another familiar principle of Fa-chia doctrine dealt with in the "Chu Shu" chapter is the notion that in the exercise of political control, the ruler should depend upon his purchase as a ruler rather than upon his attributes and qualities as an individual person (9/14b-15a):

吞舟之魚.蕩而失水.則制於螻蟻.離其居也.猨狖失木.而擒於狐狸.非其處也.君人者釋所守而與臣下爭.則有司以無為持位.守職者以從君取容.是以人臣藏智而弗用.民以事轉任其上矣.夫富貴者之於勞也.達事者之於察也.驕恣者之於恭也.勢不及君.君人者不任能而好自為之.則智日困而自負其責也.數窮於下.則不能伸理.行壅於國.則不能專制.智不足以為治.威不足以行誅.則無以與天下交也.

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[73] A similar wholly Fa-chia warning against allowing ministers to encroach upon the political purchase of the ruler appears in the "Fan Lun" chapter (13/6b):

昔者齊簡公釋其國家之柄而專任其大臣.將相擅威擅勢.私門成黨而公道不行.故使陳成田常賜爵予祿得成其難.使呂氏絕祀而陳氏有國者.此柔懦所生也.

Of old Duke Chien of Ch'i abandoned the control handles of the state and gave exclusive authority to his great ministers. The high ministers arrogated his authority and usurped his purchase, private families formed factions and impartiality no longer prevailed. As a result, he made it possible for Ch'en Ch'eng and Ch'ih Yi Tzu P'i to succeed in their conspiracy. That the posterity of the Lü clan was cut off and the Ch'en clan succeeded to the state was the result of weakness and timidity.

Here the author castigates Duke Chien of Ch'i for allowing

> If a fish large enough to swallow a ship inadvertently swims aground, it will be at the mercy of the insects. This is because it has left its habitat. If a monkey leaves the trees, he will be seized upon by foxes and badgers. This is because it is in an environment not its own.
>
> If the ruler abandons his proper concerns and attempts to vie with his ministers, the officials will seek by inactivity to hold on to their positions and those in office will seek by toadying to the ruler to avoid being discharged. As a result, the ministers hide their intelligence and do not use it, passing the burden on to their ruler instead.
>
> Now the fact that the noble and wealthy are willing to go to work, that the astute are willing to look into affairs, and that the proud and arrogant are willing to show respect is because their political purchase is not equal to that of the ruler.
>
> If a ruler does not entrust the able but is instead fond of doing things personally, his intelligence will become increasingly taxed and he will take upon himself the burden of responsibility. If his methods of statecraft are not able to cope with his subordinates, he will not be able to prevail. If he is not able to insist on his line of conduct in his state, he will be unable to claim exclusive control. Since his intelligence is not sufficient to effect proper government and his prestige is not sufficient to enforce punishments, the ruler will not have the means to deal with the empire.

In this passage, the following Fa-chia elements can be readily identified:

1) the ruler must not abandon conduct appropriate to his position and contend on a level with his ministers (cf. Han Fei Tzu 85:5).

2) the ruler maintains sway over his subordinates by means of his political purchase (shih) (cf. Han Fei Tzu 330:14, 337:15).

3) the differentiation of roles is stressed (cf. Han

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his ministers to gain control of the government. Consistent with Fa-chia predictions for such a course of action, the purchase of the ruler is gradually eroded and he is ultimately expunged.

Fei Tzu 212:13).

4) the ruler's personal attributes are not a sufficient condition for maintaining political control (cf. Han Fei Tzu 234:8).

This same point that the ruler should depend upon his purchase as ruler rather than his personal attributes is reiterated in the following 9/16a passage in which it asserts that even persons of inferior quality can rule by virtue of their access to shih:

> 攝權勢之柄其於化民易矣。衛君役子路權重也。景桓公臣管晏位尊也。怯服勇而愚制智。其所託勢者勝也。故枝不得大於幹末不得強於本。則輕重大小有以相制也。若五指之屬於臂也。撓援攫捷莫不如志。言以小屬於大也。是故得勢圜之者所持甚小。其存甚大。所守甚約。所制甚廣。是故十圍之木持千鈞之屋。五寸之鍵制開闔。豈其材之巨小足哉。所居要也。

> If one holds firmly to the handles of authority and purchase, it will be easy for him to transform the people. That Tzu Lu served the ruler of Wei was because the ruler's authority was considerable; that Kuan Chung and Yen Tzu served the Dukes Huan and Ching of Ch'i as ministers was because the ruler's position was exalted. That the timid can subjugate the brave and the ignorant can control the intelligent is because the purchase in which they lodge themselves is superior. Therefore, it is said: "The branch must not be bigger than the trunk and the tip must not be stronger than the root. This is because there is the means whereby one controls the other, just as with the five fingers as adjuncts to the arm one can strike, pull, clutch and pinch as he so desires." In other words, the small is adjunct to the large.
>
> He who has the advantage of having purchase by holding on to the extremely small is able to make use of the very big, and by holding on to the essential is able to have extensive control.
>
> Thus, that a thin beam can support a heavy roof or that a small bolt can control the opening and closing of a gate--how could it be due to their size! It is because their position is pivotal.

The assertion that the purchase of a thing is due to its strategic location in the overall structure---"it is because their position is pivotal"--is a notion which although made explicit only here in the Huai Nan Tzu[74] is not inconsistent with the general Fa-chia conception of political purchase. What is unusual in this passage is the appearance of the basically Confucian principle of hua min 化民 "transforming the people".

Transforming the people

This notion of "transformation" is an ingredient associated with both the Taoist and Confucian traditions. Conventional Fa-chia doctrine, however, asserts that the ruler is obeyed because of his political purchase--not because of his moral influence (Kuan Tzu 1:76-2):[75]

> 凡人君之德行威嚴,非獨能盡賢於人也,曰人君也,故從而貴之,不敢論其德行之高卑.
> In his moral actions and awesomeness, the ruler is not unique in being superior to others, but because he is called "ruler" people go on to honour him, and do not dare to discuss the quality of his moral actions.

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[74] See also Huai Nan Tzu 9/9b-10a:

> 人主處權勢之要.
> Hence, because the ruler dwells at the focal point of political power...

[75] The notion of "transformation" does occur in the Kuan Tzu: 2:35-5, 2:27-10. However, that these passages are included in the Kuan Tzu does not automatically mean that they represent orthodox Fa-chia theory. If we take for example 2:27-10:

> 身立而民化,德正而官治.治官化民,其要在上.
> Where the ruler consitutes a moral example, the people are transformed; where his moral qualities are what they should be, the bureaucracy is properly ordered. The essential task of ordering the bureaucracy properly and transforming the people lies with the ruler.

this notion of transforming the people was not only repudiated by later Fa-chia thinkers, but was even

To insure proper order in the state, the Fa-chia ruler manipulates his subordinates with rewards and punishments and opts for rule by law as the superior alternative to moral edification (Han Fei Tzu 321:4):

> 故法之為道.前苦而長利.仁之為道.偷樂而後窮.聖人權其輕重.出其大利.
>
> Hence, to take law as one's method is to suffer at first but benefit in the long run; to take benevolence as one's method is to snatch momentary pleasure but be ultimately frustrated. The sages weighed the merits of these two and opted for the greater benefit.

Confucian thought, by contrast, takes the moral elevation of the people through example as the primary task of those in power. For example, the "Greater Preface" to the Shih-ching states:

> 先王以是經夫婦.成孝敬.厚人倫.美教化.移風俗.
>
> With poetry the Former Kings regulated the relationship between husband and wife, developed filial piety and respect, improved upon human relations, enriched edifying instruction and advanced conventions and customs.

Again, there is the famous Lun-yü 24/12/19 passage:

> 季康子問政於孔子.....子欲善而民善矣.君子之德.風.小人之德.草.草上之風必偃.
>
> Chi K'ang Tzu asked Confucius about government....If you want to be good, the people will be good. The character of the superior is like the wind while the character of the subordinate is like grass. Let the wind blow over the grass and the grass will necessarily bend.

In this Lun-yü passage, government is interpreted as the ability to influence, educate and improve. In a text such as the Hsün Tzu, the commitment to improve and enrich the lives of the people through education has

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challenged within the pages of the Kuan Tzu itself by the more radical principle that the moral attributes of the ruler are of no concern to his subordinates.

an obvious link with this concept of hua min. This task of moral edification is given a high priority in the allocation of responsibilities (30/9/94):

論礼樂正身行廣教化美風俗兼覆而調一之辟公之事也全道德致隆高養文理一天下振德未使天下莫不順比從服天王之事也.

To discuss social norms and music, to make conduct proper, to spread instruction and transformation, to enrich conventions and customs, and nurturing things universally, to bring them to a concordant whole--these are the tasks of the senior ministers. To preserve morality intact, to promote loftiness and nobility, to extend refinement to its utmost, to unify the world, to scrutinize the smallest details and to make all of the people in the world submissive and obedient--these are the tasks of the ruler.

Perhaps one of the most extensive discussions of this notion of hua min in early Chinese literature is to be found in the "T'ai Tsu" chapter of the Huai Nan Tzu. In this chapter, hua min is presented from a decidedly Confucian perspective. It is held up as the desired result of government by morality, and throughout the chapter is contrasted with the much inferior policy of government by law. The following passage provides a glimpse of this recurring contrast between morality and law (20/8b):

治身太上養神其次養形治國太上養化其次正法……民文讓爭處卑委利爭受寡力事爭就勞日化上遷善而不知其所以然此治之上也利賞而勸善畏刑而不為非法令正於上而百姓服於下此治之末也.

In the proper government of the individual, the first priority goes to the cultivation of the spirit, and only next to the cultivation of the physical form. In the proper government of the nation, the first priority goes to the cultivation of the people's transformation, and only next to the rectification of the laws....To have the people yielding to each other and contending to occupy as low a position as they can, to have them repudiating personal advantage and contending to receive as little as they can, to have them working hard and contending to exhaust them-

> selves as much as they can, to have them day by day being transformed and reformed by the ruler without knowing how this comes about--this then is the basis of proper government.[76] To have the people striving to do worthy deeds for the sake of rewards, to have them refrain from doing wrong for fear of punishments, to have the common people obeying the laws below because the laws have been rectified above--these are the inconsequential aspects of proper government.

This notion of hua min occupies an important place in orthodox Confucian doctrine and in principle is inimical to mature Fa-chia thought. At the same time, we find that this concept of hua min recurs in the "Chu Shu" chapter neatly knit into a basically Fa-chia fabric (9/8b-9a):

> 得失之道.權要在主.是故繩正於上.木直於下.非有事焉.所緣以修者然也.故人主誠正則直士任事而姦人伏匿矣.人主不正.則邪人得志.忠者隱蔽矣.夫人之所以莫抶玉石.而抶瓜瓠者何也.無得於玉石弗犯也.使人主執正持平.如從繩準高下.則群臣以邪來者.猶以卵投石.以火投水也.故靈王好細腰.而民有餓食自飢者.越王好勇.而民皆處危爭死.由此觀之.權勢之柄.其以移風易俗矣.堯為匹夫不能化一里.紂在上位.令行禁止.由此觀之.賢不足以為治.而勢可以易俗明矣.

> The key to success or failure in government lies in the ruler. If the inking line is properly set above, the wood will be straightened beneath it. It is not that the inking line does anything in particular, but because it is the nature of that which the wood follows. Thus, if the ruler is truly upright, honest officials will be commissioned and villainous persons will hide themselves, but if the ruler is not upright, wicked persons will achieve their ends and loyal subjects will withdraw into retirement.
>
> Now, why is it that no one tries to split jade while they will try to split melons and gourds? They do not tackle the jade because there is nothing to be gained thereby. If the ruler holds firmly to integ-

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[76] Following Wang Nien-sun in reading 上 as 木.

> rity and justice as if adhering to a plumb line in measuring the vertical, then those ministers who approach with evil in their hearts will be just like eggs thrown against rocks or fire plunged into water.
>
> Thus, because King Ling (of Ch'u) was partial to slim waists, there were those who starved themselves by cutting back on their food. Because King Kou Chien of Yüeh was fond of courage, his people would all defy danger and vie with one another to sacrifice their lives. If we view it from this perspective, for the person with the control handles of authority and purchase, changing customs is an easy matter.
>
> When Yao was a man of humble position, he could not even transform the people of one village through his example of benevolence, and yet when Chieh was on the throne, his commands were implemented and his prohibitions were observed. Viewing it from this perspective, it is clear that while moral excellence is not enough to govern the world, political purchase can alter custom.

In this passage, the Huai Nan Tzu takes King Ling of Ch'u and King Kou Chien of Yüeh as historical examples of the overwhelming influence of the ruler. Here, the predominant theme is that an upright ruler can act as an edifying and uplifting force on those under his control. King Ling and King Kou Chien as historical examples are not original to the Huai Nan Tzu, but rather occur in both the Kuan Tzu and Han Fei Tzu as well as in several other early texts.[77] In all of these works, these two kings are representative of the far-reaching influence of the throne. On this much the various texts are in agreement. Their difference, however, lies in the proposed objectives of this influence. A comparison of how these same historical figures are used to illustrate widely divergent ideas will be of some value in demonstrating the extent to which the "Chu Shu" chapter can be regarded as a synthesis between Fa-chia and Confucian thought.

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[77] See the appended translation Section 7 notes 6 and 7 for a list of these references.

In the Kuan Tzu, King Ling and King Kou Chien appear in a passage which stresses the vital importance of agriculture as the fundamental occupation of the state (3:2-10):

故一人之治乱在其心.一國之存亡在其主.天下得失.道一人出.主好本則民好墾草萊.主好貨.則人實市.主好宮室.則工匠巧.主好文采則女工靡.夫楚王好小腰.而美人省食.吳王好劍.而國士輕死.死與不食者.天下之所共惡也.然而為之者何也.從主之所欲也.

Now, the stability or inner turmoil of an individual depends on the heart; the continuity or destruction of a state depends on the ruler. What is good or bad for the empire may be the consequence of one man's actions. Where the ruler favours the basic industry, the people will be fond of clearing uncultivated areas. Where the ruler is fond of money, the people will go in for trading. Where the ruler is fond of buildings and halls, craftsmen and artisans will be skillful. Where the ruler is fond of design and colour, the women's work will be elaborate. The King of Ch'u being fond of slender waists, beautiful women cut down on their food; the King of Wu being fond of the sword, the military men of the country embraced death lightly. Since death and starvation are two things universally disliked, why did these people face them of their own volition? Because they were pursuing what the ruler desired.

The ruler's position and influence is such that his desires are the directing force of his subordinates. This passage from the Kuan Tzu suggests that there is a connection between the ruler's influence and the activities of his people--here, the agricultural production of the state. Increased agricultural production will mean a strong and stable state. If, however, the ruler distracts the people from the cultivation of the fields, food will be insufficient for the needs of the country and political instability will ensue. This passage like all of the passages which cite the examples of King Ling and King Kou Chien (or some substitute) emphasizes the overwhelming influence which the ruler can exert in determining the direction in which his people channel their

energies. Consistent with Fa-chia doctrine, agriculture is singled out as the most important occupation of the people, and consequently, agriculture is chosen as the objective towards which the ruler must exercise his influence.

The Han Fei Tzu 28:15 passage provides us with even a more vivid contrast between the Fa-chia oriented objective of the ruler's purchase described in this Fa-chia text and the Huai Nan Tzu's objective of educating and transforming the people:

人主有二患.任賢.則臣將乘賢以劫其君.無學.則事沮不勝.故人主好賢.則群臣飾行以要君欲.則是群臣之情不效.群臣之情不效.則人主無以異其臣矣.故越王好勇.而民多輕死.楚靈王好細腰.而國中多餓人.齊桓公妒而好內.故豎刁自宮以治內.桓公好味.易牙蒸其子首而進之.燕子噲好賢.故子之明不受國.

The ruler has two pitfalls: if he employs those of superior character, his ministers will take advantage of this to maintain a hold over him. If he promotes people indiscriminantly, state undertakings will end in failure. Hence, if the ruler is fond of superior character, the various ministers will dress up their conduct in order to meet his approval, and will not offer their true abilities in the service of the ruler. The ministers not offering their true abilities in the service of the ruler, the ruler then has no way of assessing his ministers. Thus, the King of Yüeh being fond of courage, many of his people embraced death lightly; King Ling of Ch'u being fond of slender waists, many people in his state starved themselves; because Duke Huan of Ch'i was a jealous man and was fond of his harem, Shu-tiao had himself castrated in order to supervise the harem; Duke Huan being fond of exotic tastes, Yi Ya boiled his first born and served it to him; because Tzu K'uai of Yen was fond of men of superior character, Tzu Chih made it clear that he was not interested in taking over the state.

The gist of this passage is that the ruler must not reveal his likes or dislikes to his subordinates. If

he does, they will be able to use this knowledge to their own advantage. This problem becomes particularly apparent in the process of official promotions. If the ruler allows it to be made known that he promotes those of superior moral and intellectual character, his ministers will vie with one another to give him the impression that they are men of just such superior character. From the Han Fei Tzu's point of view, this does not mean that these ministers will be encouraged to emulate the ruler's ideal, but rather that they will put a facade on their conduct which will deceive the ruler in his assessment of their true worth. The policy to be adopted by the Han Fei Tzu ruler stands diametrically opposed to that advocated in the above Huai Nan Tzu 9/8b-9a quotation. In the Han Fei Tzu, the ruler is counselled to conceal the objectives of his influence and to refrain from providing his ministers with a model which can be simulated and thus used to delude him. In the Huai Nan Tzu, on the other hand, the ruler uses his political purchase to provide his subordinates with a model of proper conduct and to propel them towards his ideal of moral excellence. In the Han Fei Tzu, the knowledge and imitation of the model is a means of deception, whereas in the Huai Nan Tzu this same knowledge and imitation is the basis of education and transformation.

The King Ling and King Kou Chien examples in the "Chu Shu" chapter of the Huai Nan Tzu are not only inconsistent with their Fa-chia counterparts, but further even contradict the underlying principle of the Han Fei Tzu passage. By contrast, the following excerpt taken from the Hsün Tzu 45/12/30 has basically the same thrust as the "Chu Shu" version:

君者儀也，民者景也，儀正而景正。君者槃也，民者水也，槃圓而水圓，君射則臣決，楚莊王好細腰，故朝有餓人。

> The ruler is the gnomon and the people are the shadow. Where the gnomon is upright, the shadow will be upright. The ruler is a basin and the people are water. Where the basin is round, the water will be round.[78] If the ruler is an archer, his ministers are his archer's glove. Because King Chuang of Ch'u was fond of slender waists, there were half-starved people in his court.

From this comparison of passages from the Kuan Tzu, Han Fei Tzu, Hsün Tzu and our "Chu Shu" chapter of the Huai Nan Tzu which all use the King Ling and King Kou Chien examples (or equivalents), we can see that they all acknowledge the efficacy of political purchase as a force which can be exerted to influence the activities of the people. Of the two Fa-chia texts, it is suggested in the one that this influence be used to encourage agriculture and in the other that the ruler conceal his likes and dislikes in order to avoid deception by his ministers. These are clearly two important principles of Fa-chia doctrine. In the Hsün Tzu and the "Chu Shu" chapter, however, the point is made that political purchase can be used to educate and elevate the people. Given a model of moral excellence, the people will strive to emulate this model. The ruler, by availing himself of his political purchase as ruler, can go a long way to determining the character and the quality of his subjects. This is a definite commingling of Fa-chia and Confucian doctrine.

To recapitulate, while the principle of hua min is fundamentally contrary to the spirit of Fa-chia thought, it is an important component of both Taoist and Confucian doctrine. The "Chu Shu" chapter's interpretation of hua min seems to be more positive and active than the Taoist notion of (Lao Tzu 57):

> 我無為而民自化.
> I do nothing and yet the people are transformed of their own accord.

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[78] Following Liang Ch'i-hsiung p. 165 in his reading of this passage and in his omission of the following phrase as redundant: 君者盂也.盂方而水方.

or even the Confucian idea of presenting the people with a moral example. In the Taoist and Confucian traditions, although their working definitions of the ruler's "transforming" virtue are very different, they share common ground in that the ruler does not actively transform the people, but rather acts as a passive and non-intervening example of suitable conduct. The "Chu Shu" chapter, on the other hand, having accepted the efficacy of shih as a means of implementing political theory, advocates an active and positive approach to the problem of educating and improving the people. Rather than suggesting that the ruler sit above the people and passively brown them with his radiated moral excellence, it insists that he use the purchase attendant upon his position to channel the energies of the people in a direction beneficial to the development of their moral qualities.

Government by purchase verses government by virtue

Above we have discussed the development of this concept shih in the Hsün Tzu and the Han Fei Tzu, and were able to identify a confrontation between the Confucian-Mohist notion of government through moral example and the Fa-chia principle of government by political purchase. In our analysis of the Hsün Tzu interpretation of shih, it was noted that Hsün Tzu did succumb to Fa-chia influence to the extent of acknowledging the effectiveness of political purchase for implementing a programme of government, but at the same time, it was further noted that he objected to the Fa-chia insistence that this political purchase in itself was a sufficient condition for political control. In Hsün Tzu's system of political theory, purchase is ultimately dependent upon popular support, and popular support is the direct result of rule on the basis of Confucian ethical principles. In making this assertion, Hsün Tzu attempts to

defend Confucian political philosophy from the Fa-chia assault.

In our examination of the Han Fei Tzu, we saw that one of the main features which distinguishes the Han Fei Tzu from its precursors in the Fa-chia tradition is its treatment of government by shih not as an isolated theory, but as a superior alternative to the rival Confucian-Mohist principle of rule by moral influence. The element of confrontation is pronounced. On analyzing the "Chu Shu" chapters interpretation of shih, we find a Confucian and Fa-chia synthesis which can only be viewed as an attempt to finally resolve this conflict between the Fa-chia principle of government by shih and the Confucian-Mohist principle of government by morality. On the one hand, the importance and the effectiveness of shih is readily acknowledged. On the other, it is suggested that this basically Fa-chia tool of government be employed to carry out the Confucian task of educating the people and refining their ethical awareness. In other words, the effectiveness of shih is regarded as being conditional on the ruler following a Confucian code of moral conduct.

The people as the basis of political purchase

Above we have looked at two of the "Chu Shu" passages which employ the "chariot" metaphor. Comparing these with the three passages in the Han Fei Tzu in which this same metaphor is used, we find that whereas the Han Fei Tzu is three times consistent in making the state analogous to the chariot and the political purchase analogous to the horses, in all of the "Chu Shu" passages this "chariot" metaphor is rearranged to suit each individual purpose. Of the three "Chu Shu" instances of this meta-

phor, the one perhaps most in keeping with traditional Fa-chia precepts is the following which relates the proposition of "utilizing the people (yung chung)" to the notion of political purchase (9/7a):

是乘衆勢以為車御众智以為馬雖幽野險塗則無由惑矣.

Mounting a chariot which consists of the overwhelming support of the people and taking the intelligence of the people as his (the ruler's) horses, even on a moorland or treacherous stretch of road there is no fear of his not knowing which way to go.

A second passage in the "Chu Shu" chapter which reiterates this notion of taking the people as one's basis of support--as one's purchase--is 9/16b-17a:

今使烏獲薛蕃從後牽牛尾尾絕而不從者逆也.若指之桑條以貫其鼻.則五尺童子牽而周四海者順也.夫七尺之橈而制船之左右者.以水為資.天子發號令行禁止.以衆為勢也.

Now, even if Wu Huo or Chieh Fan were to attempt to lead an ox by the tail from behind, the fact that they would pull the tail off without budging the ox is because they are acting contrary to the way of things. But if one were to pierce the ox's nose with a sprig of mulberry, the fact that even a half-grown boy could lead it around the country is because he is following the way of things.

That with a seven ch'ih oar we can manoeuver a boat is because we make use of the water. That the emperor has only to issue commands to have them implemented and observed is because he takes the people as his purchase.

In these two passages, the ruler is encouraged to take full advantage of the political purchase available to him as ruler not only because it is the most efficacious means of political control, but also because it is "following the way of things". He should not rely on his abilities as an individual to influence others, but should rather manipulate his subjects from the vantage point of his throne. By relying on political purchase rather than

personal abilities to enlist the popular support of the people, he is able to tap the concerted strength of all of those below him. This gives him power and vision far exceeding that of any individual or group of individuals who may set themselves in opposition to him and attempt to challenge his right to rule. While this principle of "utilizing the people (yung chung)" can certainly be traced back to the occasional reference in the Kuan Tzu and Han Fei Tzu,[79] in this chapter of the Huai Nan Tzu it is developed as one of the main political themes. As such, we shall have cause to examine it in more detail below.[80] At this juncture, however, we simply wish to draw the obvious connection between our concept of political purchase and the popular strength which becomes available to one who can stand above the people and orchestrate their energies.

Summary

In our analysis of shih in the Huai Nan Tzu, we have seen that it is used throughout the text with even wider connotations and implications than found in the earlier pre-Ch'in literature. While shih does have this broad range of meaning in the text as a whole, in the "Chu Shu" chapter it is used consistently as a specifically Fa-chia concept. In this chapter, shih is used mainly to restate basic Fa-chia doctrine. For example, the "chariot" metaphor probably taken over from the Han Fei Tzu is used twice to describe the position of the ruler in terms of his political purchase, and once to develop the Fa-chia notion of yung chung--the ruler's access to the collective strength of his people through the proper exercise of his purchase. The Huai Nan Tzu's reiteration and clarification of basic Fa-chia precepts is in itself a valuable contribution to our understanding of

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[79] See Kuan Tzu 1:73-8; 3:36-6; 3:42-1; Han Fei Tzu 305:16; 331:9; 288:4.

the political thought developed in pre-Ch'in China. Its contribution, however, does not end here. True to the spirit of eclecticism prevailing in the early Han, there is an obvious and consistent effort to synthesize Fa-chia ideas with basically Confucian principles of government. With respect to this concept of shih, the two most apparent attempts to blunt radical Fa-chia theory with Confucian humanism are first the reinterpretation of the ideal ruler-minister relationship as a reciprocating harmony with each position responsive to and dependent upon the other. This is a significant turning away from the absolute ruler-dominated despostism advocated in the Han Fei Tzu. The second important move toward a Fa-chia-Confucian synthesis lies in the acknowledgement of the effectiveness of the Fa-chia concept of shih as an instrument of political control and the use of this concept to effect the Confucian objective of transforming and elevating the people rather than to enforce a Fa-chia programme of political repression.

In isolating and examining those passages of the "Chu Shu" chapter which discuss this concept of shih as a special Fa-chia term, we have been able to detect important differences between the traditional Fa-chia interpretation of this concept and that found in our Huai Nan Tzu text. There is a consistency in the "Chu Shu" chapter which is perhaps indicative of an internally complete and integrated system of political theory. While particular elements in this political theory are significant, it is the relative emphasis placed on the various elements which determines the ultimate disposition of the system. In other words, it is not only what the "Chu Shu" chapter has taken from the Fa-chia tradition which is important in our assessment of this chapter's sympathies and orientation, but further how this chapter

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[80] See below Chapter III.

chooses to deal with what it takes, and gain what it chooses to reject. In the Han Fei Tzu, for example, the concept of shih is frequently discussed in conjunction with the ruthless repression of conniving ministers. There is an almost paranoiac preoccupation with the protection of the ruler's political prerogatives. The tone of the "Chu Shu" chapter on the other hand is more of harmony than control, and more of co-operation than contention. Having acknowledged the soundness of this concept of political purchase, it then fits it into an eclectic political philosophy which attempts to combine the effectiveness and practicability of the Fa-chia doctrine with the more human considerations of its rival traditions.

CHAPTER II: WU-WEI 無為

A. INTRODUCTION

Our object in this chapter is to analyze the concept of wu-wei 無為 as it is represented in the Confucian, Taoist and Fa-chia schools of pre-Ch'in thought, and once having reached a doctrinal understanding of its several interpretations, to apply this understanding to an evaluation of wu-wei in the political theory of the Huai Nan Tzu's "Chu Shu" chapter. While we are convinced that our analysis can produce a reasonably clear and coherent statement on these disparate interpretations of wu-wei, we are equally convinced that at present we lack the textual resources to propound any worthwhile hypothesis as to its actual origins and early historical development.[1] Hence, we will concentrate our efforts on an attempt to determine what this term meant to each of

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[1] H.G. Creel, in his research on Shen Pu-hai, has gone to great lengths to prove that wu-wei was a concept first developed in the Shen Pu-hai branch of Fa-chia thought. See What is Taoism?, "On the Origin of Wu-wei 無為", pp. 48-78 and Shen Pu-hai pp. 176-179. Creel concludes that subsequent to its development as a technical Fa-chia term, wu-wei was absorbed by the Taoists and reinterpreted in a way consistent with the basic tenets of Taoist thought. Creel's arguments are based on:

1) an assumption that the Shen Pu-hai fragments are genuine
2) a tentative and highly subjective attempt to arrange pre-Ch'in texts in a chronological order

These presuppositions lead to a situation in which a point is made of the fact that wu-wei does not occur in the Shang-chün shu and yet the Kuan Tzu in which wu-wei does occur as a special term is not even mentioned. Again, the expression wu-wei occurs in what is being called the Huang-ti ssu-ching recently unearthed from tomb no. 3 at Mawangtui, and which has been tentatively dated at about 400 B.C. The examples of wu-wei in the "Shih Ta Ching" no. 140 and the "Yüan Tao" no. 168 sections of this text are decidedly Taoist, the latter passage even having an echo in the Huai Nan Tzu "Yüan Tao"

these traditions rather than adding to current speculation regarding its early history.

B. WU-WEI IN PRE-CH'IN CONFUCIAN TEXTS

Although wu-wei is generally thought of as a decidedly Taoist concept, it does play a role in Confucian political theory. In our discussion of a Confucian interpretation of wu-wei, we should perhaps begin with what is certainly one of the earliest examples of this expression in our extant Chinese sources (Lun-yü 31/15/5):

> 子曰：無為而治者，其舜也與？夫何為哉？恭己正南面而已矣。
>
> The Master said: "If anyone could be said to have effected proper order while remaining inactive, it was Shun. What was there for him to do? He simply made himself respectful and took up his position facing south due south."

This passage is not an odd, urepresentative excerpt from the Lun-yü. On the contrary, if properly understood, it can be regarded as a succinct characterization of the Confucian attitude towards government. In the ideal Confucian administration, the ruler does not personally attend to matters of government, but by setting a positive example and through the charismatic influence of his te the people are led into a conformity with the all-pervading moral standards which structure the cosmos (Lun-yü 2/2/1):[2]

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chapter and the Wen Tzu "Tao Yüan" chapter. See K'ao-ku hsüeh-pao 1975:1, pp. 28ff. In early Chinese thought, for each tradition or "school" we have a very few representative texts, and these are often composite in nature. The early history of their transmission is often shrouded in an almost impenetrable shadow of textual problems. Given the combination of scant data and absolutely tenuous chronology, any attempt to determine the historical origin of wu-wei can amount to little more than strained speculation. There is a traditional and seemingly logical opinion that the development of the Taoist doctrine was anterior

子曰.爲政以德.譬如北辰.居其所而衆星共之.

The Master said: "A ruler who governs by virtue can be compared to the pole star which merely lodges in its place and the other stars pay it homage."

The ruler, cultivating and giving expression to his fundamental moral endowment, serves as an example for others to emulate in the development and perfection of their own natures (Lun-yü 24/12/17):[3]

季康子問政於孔子.孔子對曰.政者正也.子帥以正.孰敢不正.

Chi K'ang Tzu asked Confucius about government, and Confucius replied: "Government (cheng) is rectification (cheng). If you lead with rectitude, who would dare be otherwise?"

That the perfection of all natures results in a harmonious social order is guaranteed by the objective and all-pervading presence of the yi 義 principles or standards which serve as the moral fibre of all existence.

The Confucian ruler, regulating his conduct so that his activities reflect a cognizance of and a dedication to the natural moral order, is able to influence his subordinates and transform his people. This is education through moral example. The ruler "does nothing" in as much as he concerns himself with the fulfilment of his own nature without projecting any artificial and arbitrary demands on his subordinates. That the realization of the ruler is congruent with that of his subordinates is due to a common participation in absolute moral principles. It should be noted that a fundamental difference between the Taoist notion of wu-wei and its Confucian counterpart would seem to lie in the former's

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to and somehow a contributor to the emergence of Fa-chia political theory. While this opinion is certainly not unassailable, it is still more comfortable than Creel's unsupported conclusions. Michael Loewe (BSOAS 39:1 (1976) p. 199) makes the general comment that Creel's Shen Pu-hai "may be criticized on the grounds that its method of argu-

amoral interpretation of cosmic activity as opposed to the latter's deep and abiding belief in the universality of their moral ideology. For the early Confucians, yi is an immutable and all-pervading thread of moral truth which ties the natural endowment of the individual to his natural and social environments. As Duyvendak observes:[4] "Moral endeavour is...the principle concern of Confucianists. They take pains, however, to demonstrate that the moral is equivalent to the natural." Just as the basic Confucian goal of moral cultivation is the realization of one's natural endowment, the object and function of political administration is the collective realization of individual natures. This is basically an internal process in as much as it does not require the addition of any extraneous element. It is rather the result of the individual's growth in accordance with his own innate blueprint. At most, he looks to the ruler as an actualized model of human potential--a model of what he himself can achieve. While this external model evokes emulation and lends a certain desirability to the ideal, it must be stressed that the potential for cultivation lies within and the effort of cultivation comes from within.

Although there is only one explicit example of the term wu-wei in the Lun-yü, from an analysis of the poli-

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ment is questionable and its sense of history unsatisfactory." D.C. Lau (Asia Major n.s. 18:1973, pp. 121-3) more specifically points out the inadequacy of Creel's evidence for ascribing the earliest usage of wu-wei to Shen Pu-hai rather than the Taoists.

[2]Cf. Lun-yü 2/2/3 and 24/12/19.

[3]Cf. Lun-yü 25/13/6 and 30/14/42.

[4]See Asiatische Studien 3:4 (1947), p. 84. This assertion is of course true of Confucius and Mencius, but not of Hsün Tzu. The word "Confucianists" is perhaps a bit too general.

tical theory propounded in this text, it can be demonstrated that wu-wei is an appropriate description of the ideal Confucian ruler which would convey the notion that he is one who "reigns but does not rule".[5]

A second instance of wu-wei in the Confucian tradition is in the "Chung Yung" chapter of the Li-chi. This passage characterizes chih ch'eng 至誠 in the following terms (Li-chi 31/23):

> 如此者.不見而章.不變而動.無為而成.
> A thing of this description is brilliant without making a display, changes without moving and completes without acting.

This is an extension of a preceding "Chung Yung" passage which states (Li-chi 31/20):

> 唯天下至誠為能盡其性.能盡其性.則能盡人之性.能盡人之性.則能盡物之性.
> Only the most sincere in the world is able to fully realize his nature. To be able to fully realize his own nature is to be able to fully realize the natures of men, and this in turn is to be able to fully realize the natures of other things.

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[5] Although both the Fa-chia and the Confucians insist that the day-to-day administration of the government be left to the ministers, there would seem to be a difference worth noting. For the Fa-chia, always primarily concerned with the ruler's interests, administration by ministers is regarded as the most efficient means of government allowing the highest degree of security for the ruler. It is, in fact, a means of re-enforcing the ruler's control. For the Confucians, however, who are convinced that only government by virtuous and superior men can foster a stable society, administration by ministers is better seen as a device employed to deprive the ruler of power rather than as a means of enhancing it. It can perhaps be construed as an attempt to establish a titular head of state supported by a battery of morally superior and competent officials. Whereas the Confucian conception of state can not guarantee the character of a hereditary ruler, it can advocate measures to curb his personal influence on government while channeling actual administrative control into the hands of indoctrinated officials. Again, much of the actual administration of these officials takes the form of exemplary conduct rather than the enforcement of objective laws and regulations.

Cheng Hsüan[6] suggests that "the most sincere in the world (t'ien hsia chih ch'eng 天下至誠)" in this passage refers to the ruler, while Chu Hsi[7] interprets it as a reference to the "sage". In either case, we once again encounter the Confucian ideal of the ruler pursuing a policy of wu-wei and concentrating his energies solely on the realization of his own nature. In doing so, he is able to effect both a social and a natural harmony--he is able to wu-wei erh ch'eng 無爲而成.

In the Li-chi there is yet another passage which uses this expression, wu-wei (27/6):

> 公曰:敢問何謂成身.孔子对曰:夫其行己.不過乎物.謂之成身.不過乎物.是天道也.公曰:敢問君子何貴乎天道也.孔子對曰.....無為而物成.是天道也.
>
> The Duke said: "May I ask what is meant by 'completing one's character'?" Confucius replied:[8] "In conducting oneself not interfering with things--this is the meaning of 'completing one's character'. Not interfering with things is the Way of Heaven." The Duke said: "May I ask what the superior man values in the Way of Heaven?" Confucius replied: "...Things are completed while it remains inactive--this is the Way of Heaven."

In this passage, we are first told that the "completion of one's character (ch'eng shen 成身)" is the Way of Heaven. Next, the Way of Heaven is explained as things achieving realization without active interference from an external source. Here again, when extended to the political sphere, is the proposition that the ruler strives to achieve his own realization, and in so doing, contributes to the realization of his subjects.

Before examining the two examples of wu-wei to be found in the Hsün Tzu, we must first briefly note the

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[6] See Li-chi SPTK 16/9a.

[7] See Ssu-shu chang-chü chi-chu commentary.

[8] Expanded on the basis of K'ung Tzu chia-yü 1/14a-b.

Hsün Tzu divergence from the Confucian orthodoxy of the day. While Hsün Tzu is generally categorized as a Confucian, he revises the Confucian concept of man and his place in the cosmos. He begins with an amoral Heaven. Out of this amoral Heaven--perhaps "nature" is more appropriate--is spawned a basically amoral man who becomes immoral only after he himself develops and cultivates a system of morality. This system of morality is the product of the "mind"--a wholly human innovation developed and transmitted by the early sages to resolve the horror of the natural human condition. The moral mind is man's promise and his salvation. Through education and cultivation, all men have the capacity to achieve sagehood--the highest level of human existence.

Given Hsün Tzu's restructuring of the Confucian ideal, it follows that his conception of wu-wei is also somewhat different from that expressed in the Lun-yü and Li-chi. While early Confucianism regarded the realization of the morally endowed nature as an aspect of wu-wei, for Hsün Tzu wu-wei indicates the realization of the moral mind and the cultivation of its ethical principles. That is, it indicates the cultivation of an artificially devised ethical system which has the potential to lift man out of a natural morass of interminable strife.

While we can sketch this kind of a gap between the Lun-yü conception of man and its Hsün Tzu counterpart, ultimately, as D.C. Lau points out, "an obvious question arises: why does Hsün Tzu exclude the heart (or mind) from human nature and so look upon morality as contrary to nature?"[9] As Lau goes on to suggest, the difference lies primarily in the disparate definitions of human nature.

In the Hsün Tzu, there are two instances of this term,

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[9]See D.C. Lau, Mencius pp. 20-1.

wu-wei. The first is a passage which in purport is reminiscent of the Lun-yü 2/2/4:

> ....七十而從心所欲不踰距.
> ...at seventy I could follow my heart's desire without going too far.

The Hsün Tzu 81/21/66 states:

> 故仁者之行道也無為聖人之行道也無強.仁者之思也恭.聖人之思樂.此治心之道也.
> Thus, the man of benevolence in carrying the Way into practice is without activity; the sage in carrying the Way into practice is without constraint. The thoughts of the man of benevolence are respectful; the thoughts of the sage are happy. This is the Way of the properly ordered mind.

Although this passage is not specifically political in content, it is clear that the fulfilment of the morally superior man lies in nurturing the dictates of ethical values inculcated in him through the development of his moral mind. Given Hsün Tzu's interpretation of human nature,[10] we cannot say that wu-wei is following the course of one's original nature. Rather, we might say that it is man expressing his innate potential and natural capacity for goodness. Under the discipline of his moral mind, it is man realizing what it is possible for him to become. As a political principle, wu-wei would be the morally superior man encouraging his subordinates through his own example to express their potential for morally superior conduct. It must be remembered that while Hsün Tzu lacks faith in the basic human instincts and impulses, he is totally persuaded as to man's potential (89/23/72):

> 塗之人可以為禹.則然.塗之人能為禹.未必然也.
> The man on the street can become a Yü (i.e. has the capacity and potential to become a sage)--this is certainly true. But that the man on the street is really able to become a Yü (i.e. is really able to

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[10] See D.C. Lau, Mencius pp. 19-22 for a discussion of Hsün Tzu's interpretation of nature (hsing).

realize his potential)--this is not necessarily so.

The second Hsün Tzu instance of wu-wei is a passage relating an anecdote about Confucius. In this passage, as in the political theory of the Analects, we have the association of wu-wei, te and yi (103/28/27):

> 孔子觀於東流之水.子貢問於孔子曰.君子之所以見大水必觀焉者是何.孔子曰.夫大偏與諸生而無為也.似德.其流也埤下裾拘必循其理.似義.其洸洸乎不淈盡.似道.
>
> When Confucius was gazing on the eastward flow of water, Tzu Kung asked him: "Why is it that the superior man, on seeing a large body of water, would necessarily stand gazing on it?" Confucius replied: "In as much as it spreads everywhere to nurture the myriad things yet does nothing, it resembles te. In as much as its flow in twisting its way downhill must always follow the contours of the terrain, it resembles rightness (yi). In as much as, glittering and sparkling, it is inexhaustible, it resembles the tao."

At first glance, this passage seems rather Taoistic in tenor,[11] but on closer examination it will be seen that this kind of Confucian statement can in fact help to illustrate a fundamental difference between the Confucian and Taoist interpretations of the cosmos. In both the Confucian and Taoist traditions there is a strong association between the emanation of te and the concept of wu-wei. In other words, in order to be successful in wu-wei, there must be te. The significant difference lies in the basic Confucian conviction that the potency actualized with te must be expressed in a manner consistent with morality (albeit for the early Confucians it is the moral character of the cosmos while for Hsün Tzu it is the morality of the mind). That is to say, the Confucians believe that te must flow along the course prescribed by the principles of rightness (yi). The Taoists, on the other hand,

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[11] Creel in What is Taoism? p. 61 suggests that Hsün Tzu in its usage of wu-wei is Taoist rather than Confucian. He states: "And this Taoist wu-wei became so influential that we find it, and not the wu-wei of Confucius, in the Confucian book Hsün Tzu."

reject such moral principles as both artificial and arbitrary.

With respect to this Confucian belief in cosmic morality, Duyvendak[12] observes that even in the seemingly unnatural and highly stylized ritual of Confucian government, the ruler models his ritual expression on the operations of the cosmos. The principles behind the early Confucian interpretation of cosmic activity have correlative principles in their programme for the proper administration of the state. The ruler, adhering to the principle of wu-wei, emanates morally potent te which influences his people and encourages them in the cultivation of their own moral natures. Thus, while seemingly doing nothing, he is able to bring about social harmony.

Returning to Hsün Tzu's concept of wu-wei, it is best understood as a variation on a Confucian theme in which the natural cosmic morality is replaced by a system of moral principles contrived by the early sages and handed down. For Hsün Tzu, then, wu-wei as a political principle would be the ruler's expression of his te which in turn originates in the cultivation and realization of his moral mind.

C. WU-WEI IN PRE-CH'IN TAOIST TEXTS

We will base our exploration of the Taoist conception of wu-wei on the two most representative Taoist texts, the Lao Tzu and Chuang Tzu.[13]

The expression wu-wei occurs twelve times in the Lao Tzu, and is one of the central concepts of the work.[14]

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[12] See Asiatische Studien 3:4 (1947), pp. 99-100.

[13] The thought contained in the "Yüan Tao" and "Ch'u Chen" chapters of the Huai Nan Tzu can be regarded as an amplification of the Lao Tzu and Chuang Tzu respectively. As such, the interpretation of wu-wei in these two chapters reflect these sources. See 1/3a, 7b, 8a, 9a, and 14b, and 2/4b-5a, 5a, and 11a.

In addition to wu-wei, related terms such as wu-shih 無事 and wu-hsing 無行 occur with some frequency.[15]

The Lao Tzu interprets the cosmos as a multiplicity of particulars each charged with an internal impetus capable of powering it to maturation. While there is no external causation--no control imposed from without--the tao functions as the initial creative source and provides a balanced environment conducive to the development of each particular. When this metaphysical design is applied to the political sphere, the position of the ruler in the Taoist government is analogous to that of the tao in the operation of the cosmos. Each individual in society is motored by his own particular nature, and must be allowed the space and the freedom to express this nature. The function of the ruler is to maintain an environment in which the people are able to develop in their full particularity and diversity. The ruler, preserving a balance and harmony among the collective natures which strive independently to find their fulfilment, follows the tao in arresting any external interference which might deflect his subjects from their natural course.

As is suggested above, the term wu-wei in the Lao Tzu is first used on a metaphysical level to characterize the tao (37):

道常無為而無不為.
The tao is eternally "non-active"
And yet there is nothing which it does not do.

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[14] Creel in his "Wu-wei" chapter of What is Taoism? suggests that "wu-wei is treated as a technique of government in fifty percent of its occurrences in the Lao-tzu." Ch'en Ku-ying on the other hand states: "Apart from the use of the term wu-wei to describe the tao in Chapter 37...every other instance of this term in the text is concerned with political affairs in the sphere of man." (Lao Tzu chin-chu chin-yi p. 28) The passages in the Lao Tzu which contain the expression wu-wei, exclusive of Chap. 37, are either specifically political or general statements which can have a political application.

The Taoist sage is one who emulates this metaphysical tao in his relationship with his natural and social environments. He refrains from imposing any external determinants on other phenomena which might inhibit their natural development. By simply giving them their head, he offers them very positive assistance. In a general description of the Taoist sage, the Lao Tzu 64 states:

是以聖人無為.故無敗.無執故無失.....以輔萬物之自然而不敢為

Therefore, the sage is non-active and consequently does not fail;
He is non-grasping and consequently does not lose it...
In order to assist the natural course of the myraid things,
He does not dare to act.

While the Taoist sage is not necessarily ruler, the ideal Taoist ruler is necessarily sage. And the ruler, like his cosmic counterpart, must entertain a policy of wu-wei in presiding over his polity. Wu-wei is the main tenet behind Lao Tzu's conception of government as an almost Utopian anarchy--the minimum amount of external interference projected onto the individual from those in power combined with the most conducive environment possible in which the individual can strive towards his own fulfilment. To illustrate the circumstances and shape of this Taoist ideal, we might look at Lao Tzu 3, undoubtedly the most sorely misunderstood chapter in the text:

不尚賢.使民不爭.不貴難得之貨.使民不為盜.不見可欲.使民心不亂.是以聖人之治.虛其心.實其腹.弱其志.強其骨.常使民無知無欲.使夫知者不敢為也.為無為.則無不治.

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[15] Wu-shih occurs four times: chapters 48, 57 (twice) and 59. Wu-hsing occurs once: chapter 69.

By not exalting the superior man
One can prevent the people from contending one with another;
By not considering precious those things difficult to come by
One can prevent the people from becoming thieves;
By not displaying that which can be coveted
One can prevent the peoples' hearts from becoming agitated.
Therefore, under the proper administration of the sage:
He empties their hearts and fills their bellies,
He weakens their sense of purpose and strengthens their bones;
He constantly insures that the people are without knowledge and without desires,
And prevents the clever from daring to initiate activity.
In acting according to "non-action",
There is nothing which is not properly administered.

Some scholars have used this chapter to project an almost Fa-chia mentality onto the Taoist ruler and to read a strong sense of purpose into Taoist political theory.[16] This chapter can perhaps be better understood as a parody

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[16] Creel (What is Taoism? pp. 37-47) suggests that the political application of Taoist principles is "purposive"--"the attempt to utilize an essentially mystical doctrine for the furtherment of personal ambitions and political purpose." (p. 45) In interpreting this particular chapter of the Lao Tzu, Creel concludes that Lao Tzu was "no longer a protest against the regimentation of the Fa-chia, but the most powerful instrument for such regimentation." (Shen Pu-hai p. 193).

Since Taoist political theory is propounded as a microcosm of their metaphysics in which the operation of the political state is seen as correlative to the functioning of the cosmos, it follows that the ideal ruler can only be "purposive" if in fact there is some "purpose" in his cosmic counterpart, the tao. Now the Taoism of the Lao Tzu does acknowledge a certain "natural" purpose which exists in all things and which propels them toward their own realization. But the political theory of the Lao Tzu is certainly not "purposive" in the sense of advocating a specific and artificially contrived political programme which enables one to seize and exercise political control. The Taoist sage-ruler does not pursue a policy of wu-wei because wu-wei is the most effective way of guaranteeing political success. Rather, his "purpose"--i.e. the actualization of his own potential--can only be achieved through

on autocratic rule. Under the administration of the Taoist sage, by following a policy of wu-wei--i.e. by not subscribing to artificially and arbitrarily determined values, not exalting one human quality over another, not attaching importance to material acquisitions--the sage-ruler insures the physical well-being of his subjects--i.e. strong bones and full stomachs--and the opportunity for them to develop naturally without any externally imposed constraints or distractions--i.e. he maintains an environment in which the people are kept free from intellectual and emotional prejudices. In the context of Taoist philosophy, "emptying the peoples' hearts", "weakening their sense of purpose" and "insuring that the people are without knowledge" cannot be interpreted as a stunting and stupefying policy of political oppression. This is to ignore the whole thrust of Taoist thought. It must be remembered that the Taoist ideal is the state of the uncontaminated infant (chapter 55) and the unhewn block of wood (chapters 15, 19, 28, 32, 37 and 57). The state of pristine naturalness is regarded as the highest level of potency and the exemplar of te. The principle idea presented in this chapter 3 is that the sage-ruler, by adhering to a policy of wu-wei, creates a situation in which the people are free to express their own untrammeled potentiality and to develop naturally and fully without suffering the contaminations of externally imposed "purposes". Perhaps the clearest statement of the sage-ruler's attitude is in chapter 57:[17]

故聖人云.我無為而民自化.我好靜而民自正.我無事而民自富.我無欲而民自樸.

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emulation of the tao, and emulation of the tao means internally following the course of tzu-jan 自然 (compliance with one's own nature) while externally maintaining an attitude of wu-wei with respect to other phenomena. The political theory or the Lao Tzu is basically an impracticable idealism, and to project selfish desires and pedestrian ambitions onto this idealism is a gross distortion of what is actually being proposed.

Therefore, the sage states:
I remain non-active
And the people are transformed of their own accord;
I cherish tranquillity
And the people are rectified of their own accord;
I have no involvement
And the people are prosperous of their own accord;
I am without desires
And the people return to their natural genuineness
of their own accord.

With the above analysis of the Lao Tzu's concept of wu-wei in hand, we can now turn our attention to the Chuang Tzu. The fundamental difference between the interpretation of wu-wei in these two texts would seem to be emphasis rather than substance. That is to say, wu-wei as represented in the Lao Tzu and the Chuang Tzu texts is fundamentally contiguous.[18] The Lao Tzu, as we have seen, first

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[17]Cf. Kuan Tzu 3:31-8:

明主之治天下也靜其民而不擾佚其民而不勞.不擾則民自循.不勞則民自試.故曰.上無事而民自試.

[18]As is frequently noted, the Chuang Tzu is a composite text, and as such, contains passages which offer different and at times even contradictory interpretations of basic Taoist tenets. Having said this, the Chuang Tzu text is still very important in representing wu-wei as an aspect of the sublimated state of mind.

A.C. Graham makes a tentative division of the Chuang Tzu into:

1) Chuang Tzu's own writings	Chap. 1-7
2) Primitivist documents	Chap. 8, 9, 10, 11/1-28
3) Individualist documents	Chap. 28, 29, 31
4) Syncretist documents	Chap. 12/1-6, 7-12, 12-18; 13/1-45, 60-64; 14/1-5; 15/all; 33/all.

In the writings of Chuang Tzu himself, wu-wei occurs only three times to characterize the tao (16/6/29) and to describe the sublimated state of mind (3/1/47 and 18/6/70).

In the Primitivist documents, wu-wei is a political policy applied to the government of the world. This is in keeping with the characteristic Primitivist sympathy with the Lao Tzu. As Graham (ms. p. 32) observes: "Probably we should think of the Primitivist as an exponent of Lao-tzu's ideal of government, only incidently interested in the Chuang-tzu."

identifies wu-wei as a characteristic of the tao and as a basic principle in the operation of the cosmos. It then proceeds to extend this principle to the individual and his social environment, laying emphasis on the socio-political ramifications of applied wu-wei rather than on the individual's state of mind. The Chuang Tzu also uses wu-wei to charactertize the tao,[19] and further regards it as an apt description of cosmic change.[20] When this concept of wu-wei is extended to the human condition, however, the Chuang Tzu chooses to stress the state of the individual mind rather than the social and political consequences of adopting a wu-wei attitude. The Chuang Tzu uses wu-wei to characterize an ideal level of mind left when unnatural obsessions and commitments have been cleared away through a process variously referred to with expressions such as wu sang wo 吾喪我 (3/2/3) and tso wang 坐忘 (19/6/92). With the repudiation of one's self and the abandonment of a particular perspective, the individual is free to participate in the

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Graham describes the Individualists as being "as unmystical as a Mohist". It is not surprising that wu-wei does not occur in these three chapters.

In the Syncretist passages of the text, the notion of wu-wei is generally put forward as an aspect of the ideal ruler, an ideal ruler in whom Taoist, Fa-chia and Confucian virtues are commingled. The beginning of chapter 12 and particularly the beginning of chapter 13 are good examples of the Syncretist's eclecticism. In the opening passage of chapter 13, for example, the Fa-chia notion of hsing-ming, the Confucian objectives of fame and accomplishment, passages from the original Chuang Tzu chapters ("Ta Tsung Shih") and allusions to the Lao Tzu are all knit together. With respect to the notion of wu-wei, it is represented as a very "purposive (in Creel's sense)" technique of government. It is not only a policy guaranteed of success in the world of politics, but further will thrust one to the forefront even among recluses! A particularly Fa-chia element in this passage is the idea that only the ruler may pursue a policy of wu-wei; his subordinates must be very yu-wei indeed.

References to wu-wei in the remaining portions of the text are predominately in description of the sublimated level of mind.

totality of things (64/23/70):[21]

> 此六者不盪胸中則正.正則靜.靜則明.明則虛.虛則無為而無不為.
> When these four sets of six distractions are not tossed about in the breast, you will be orderly. To be orderly is to be still; to be still is to be perspicacious; to be perspicacious is to be vacuous. And when one is vacuous, you do nothing and yet all is done.

Wu-wei is frequently associated with the hsiao-yao 逍遙 (spiritual rambling) quality of the enlightened man who has successfully extricated himself from the self-imposed bondage of self and is able to experience the cosmic whole (18/6/70):[22]

> 彼方且與造物者為人.而遊乎天地之一氣....夫若然者又惡知死生先後之所在.假於異物.託於同體.忘其肝膽.遺其耳目.反覆終始.不知端倪.芒然彷徨乎塵垢之外.逍遙乎無為之業.
> They are going to be friends with the Creator and ramble in the organic totality of the cosmos....Again, how can such as these pay any mind as to which comes first in the succession of life and death? They lodge in different things yet dwell in the same entity. Forgetting their liver and gall and dismissing their ears and eyes, they continually repeat the cycle of beginning and end so that they do not know where the starting point is. They soar, unconstrained, beyond the mundane world and wander freely in the activity of non-action.

The Chuang Tzu as a text is for the most part addressed to the individual reader rather than to the ruler. It contains an underlying assumption that social and politi-

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[19] See 16/6/29 and 40/15/8.

[20] See 40/15/8 and 46/18/11.

[21] See also 64/23/78 and 28/11/54.

[22] See also 3/1/47, 26/11/13, 31/12/68, 38/14/52 and 59/22/48.

cal concerns are ills left behind when the individual achieves the enlightened state of mind. Since it does not really anticipate universal human fulfilment, the realized man is portrayed as an invulnerable traveler in the mundane world (31/12/68):[23]

> 孔子曰.彼假脩潘沈氏之術者也.識其一.不知其二.治其內而不治其外.夫明白入素無為復朴.體性抱神.以遊世俗之間者.汝將固驚邪.且潘沈氏之術.予與汝何足以識之哉.
>
> Confucius said: "He is one of those who relies on cultivating the technique of Mr. Hun-tun. He only knows the one without knowing plurality. He concentrates on the proper ordering of his mind without ordering his environment. How startled are you going to be when you encounter someone who is perspicacious and pure to the point of simplicity, who is inactive and returns to pristine naturalness, who realizes his original nature and embraces his spirit, and in attaining this level, rambles about in the mundane world. Furthermore, as for the techniques of Mr. Hun-tun, how are the likes of you and me supposed to understand them!"

While the emphasis of the Chuang Tzu in discussing wu-wei is on the individual mental and spiritual experience, this is not to say that it does not use this concept in a political context. The contiguous relationship between the political application of wu-wei which we found typical of Lao Tzu and the enlightened psychological condition found in what A.C. Graham isolates as the Primitivist portions of the Chuang Tzu[24] can be clearly demonstrated in the following 25/11/1 passage:

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[23] See also 16/6/17.

[24] Graham isolates Chuang Tzu 8, 9, 10 and 11/1-28 as belonging to the Primitivist school, and characterizes this tradition as "one of the earliest datable witnesses (with Han Fei tzu) to the sudden and extraordinary impact of Lao-tzu when it began to circulate in the late 3rd century B.C....Probably we should think of the Primitivist as an exponent of Lao-tzu's ideal of government only incidentally interested in Chuang-tzu." (Ms. p. 32)

聞在宥天下.不聞治天下.在之也者.恐天下之淫其性也.宥之也者.恐天下之遷其德也.天下不淫其性.不遷其德.有治天下者哉.....故君子不得已而臨莅天下.莫若無為.無為也而後安其性命之情.故貴以身於為天下.則可以託天下.愛以身於為天下.則可以寄天下.故君子苟能無解其五藏.無擢其聰明.尸居而龍見.淵默而雷聲.神動而天隨.從容無為而萬物炊累焉.吾又何暇治天下哉.

I have heard of leaving the world free and open, but I have not heard of ordering it properly. He concentrates the attention of the empire because he is afraid of polluting its original nature; he restricts the attention because he is afraid of it losing its virtue. If the world does not pollute its original nature or lose its virtue, where is there any need for governing it....Thus, if the superior man has no choice but to manage the world, it is best for him to follow a policy of non-action. Once there is non-action, nature and destiny will find stability. Therefore, where a man values his own person more than governing the world, he can be entrusted with the world. Where a man loves his own person more than governing the world, he can be given the world. Thus, if the superior man is able to avoid injuring his vital organs and does not agitate the sharpness of his senses, he can be as still as a corpse while having the presence of a dragon, he can be deep and silent while having the impact of thunder. His spirit moving, it follows the lead of Heaven. Unhurried and composed in non-action, the myriad things are motes of dust in the sunlight. His reaction will be: "Why do I have to govern the world!"

While absolute anarchy is the ideal form of government, if the enlightened mind of the superior man has the weight and responsibility of political administration thrust upon it, wu-wei is the only policy which will prevent personal distortion while protecting the natural and social environments. Again, as in the Lao Tzu, frequent reference is made to wu-wei as a correlative principle between the operations of the cosmos and the proper attitude of man,

both as an individual (46/18/11):[25]

吾以無為誠樂矣.又俗之所大苦也.故曰.至樂無樂.至譽無譽.天下是非果未可定也.雖然.無為可以定是非.至樂活身.唯無為幾存.請嘗試言之.天無為以之清.地無為以之寧.故兩無為相合.萬物職職.皆從無為殖.故曰.天地無為也.而無不為也.人也孰能得無為哉.

I regard non-action as real happiness, but ordinary people consider it very unpleasant indeed. Thus, it is said: The ultimate in happiness is to be without happiness; the ultimate in reputation is to be without reputation. In the final analysis, what is right and wrong in the world cannot be ascertained. Even though this is so, a policy of non-action can settle the problem of what is right and wrong. The ultimate in happiness can sustain one's person, and only in non-action does it exist. Let's try and discuss this. The heavens must be non-active in order to be clear; the earth must be non-active in order to be stable. When these two states of non-action are complementary, the myriad things are all nurtured. Nebulous and hazy, we don't know from whence they come. Hazy and nebulous, their source has no form. The myriad things in their abundance are all produced from non-action. Thus it is said: The heavens and earth are non-active and yet all is accomplished. What man can understand the mystery of non-action!

and in a socio-political context:

四時殊氣.天不賜故歲成.五官殊職.君不私故國治.文武大人不賜故德備.萬物殊理.道不私故無名.無名故無為.無為故無不為.

The four seasons have different weather, but because Heaven shows no preference, the yearly cycle reaches its conclusion. The five offices of state have different duties, but because the ruler shows no partiality, the country is properly ordered. With respect to civil and military matters, because the man of consequence shows no preference, his virtue is whole. The myriad things have different principles, but because the tao shows no partiality, it is without name. Because it is without name, it is non-active. It is non-active and yet all is done.

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[25] See also 40/15/4-17 and 58/22/18.

Perhaps the most striking indication of the ground shared between the Lao Tzu and Chuang Tzu in the basic interpretation of wu-wei is the fact that three of the passages in the Chuang Tzu which discuss wu-wei are attributed to Lao Tan (including the "T'ien Hsia" description of Lao Tzu's ideas)[26] while no less than five others contain either direct parallels with or allusions to the Lao Tzu.[27]

In summarizing the concept of wu-wei propounded in the Lao Tzu and Chuang Tzu, there are several points which should be noted. Wu-wei is the application of wu-wei erh wu-pu-wei 無為而無不為 --the basic function of the metaphysical tao--to the individual and his society. That is to say, in a political context wu-wei does not go beyond total compliance with and devotion to the natural condition. What must be stressed is that as a clear rejection of political interference and an outright denial of the techniques of political administration, the policy of wu-wei from a political theorist's point of view is fundamentally negative. Secondly, in the philosophical system devised by or at least described in these two texts, the accent is very heavily upon individual growth and natural development. It is a radical individualism which, when taken to its logical political conclusions, proposes a utopian anarchy under the administration of a "non-administration". Because the ultimate consequence of individual and particular realization of the tao is an empire well-ordered of its own accord, political administration is very much a secondary consideration.[28] Finally, as political theory, the Taoist concept of wu-wei is idealistic to such an extreme that it can only be regarded as an unrealistic and impracticable notion of

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[26] See 38/14/52, 56/21/36 and 93/33/60.

[27] See 26/11/13 (Lao Tzu 13), 46/18/11 (Lao Tzu 21, 37, 39 and 48), 57/22/9 (Lao Tzu 48), 64/23/70 (Lao Tzu 37 and 48), 72/25/64 (Lao Tzu 37 and 48).

"government by the rejection of government," attractive perhaps in theory but infeasible in application.[29] Not altogether surprising, it must look to a dark and shadowed antiquity as the exemplar of its ideal primitivism.

D. WU-WEI IN PRE-CH'IN FA-CHIA TEXTS

In our above analysis of wu-wei in the Taoist tradition, we have seen that the primary concern is individual liberation and enlightenment, and that the political application of this concept is a secondary extension of and elaboration on a radical individualism. Further, even when propounded as a political principle, the Taoist interpretation of wu-wei does not represent a realistic and practicable method of governing the country.

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[28] As B. Watson observes in his Introduction to the Mo Tzu: Basic Writings p. 7: "The Taoists, it is true, talk much of freedom of thought and action, but it is a freedom which ignores or transcends the social order, not one that functions effectively within it."

[29] The impracticability of the Taoist position is fiercely attacked in the "Hsiu Wu" chapter of the Huai Nan Tzu. It interprets this Taoist notion of wu-wei, not unreasonably, as a total repudiation of human culture and as a naive idealization of primitivism. In doing so, it affirms human wisdom and describes the very "active" contributions of the legendary sage-emperors who taught the people what to eat, where to live, how to provide for themselves, how to minimize illness and how to respond to each other in a civilized manner. Rejecting the basic Taoist interpretation of history as gradual decline in favour of their concept of historical and cultural evolution, it dismisses the notion of primitive utopia as a romantic interpretation of animal squalor. The author of the "Hsiu Wu" chapter, having pointed out the flaws in the Taoist conception of wu-wei, then proceeds to offer his own self-styled alternative interpretation (19/3a):

若吾所謂無為者私志不得入公道，奮欲不得枉正術，循理而舉事，因資而立，推自然之勢而曲故不得容者。

For this author, wu-wei is complying with the natural tendency of things and exploiting them to human advantage,

As we mentioned in the introduction to this chapter on wu-wei, the chronological and doctrinal relationship between Taoist and Fa-chia traditions is a digression which does go beyond the bounds of this present paper. Even so, an analysis of wu-wei in the Fa-chia texts stimulates a line of reasoning which, when followed to its logical conclusions, permits a certain amount of speculation as to the evolution of this concept within the borders of the Fa-chia tradition itself.

First, wu-wei does not occur in the Shang-chün shu at all.[30] It does occur as a special term some nine times[31] in the Kuan Tzu, but of these nine occurrences, only the six in the "Hsin Shu Shang" chapter have any relevance to the Fa-chia interpretation of wu-wei. In this chapter of the Kuan Tzu, we have a brief statement of some of the basic principles around which Fa-chia political doctrine is woven. But because the political implications of this theory are not elaborated upon, its relationship to Fa-chia political philosophy is not immediately apparent. For example, there is a mixed Ming-chia

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while yu-wei is any departure from this principle (19/3b):

若夫以火熯井，以淮灌山，此用己而背自然，故謂之有為。若夫水之用舟，沙之用黹，泥之用輴，山之用蔂，夏濟而冬陂，因高為天，因下為地，此非吾所謂為之。

In fact, what is labelled wu-wei in this "Hsiu Wu" chapter is exactly what the Taoists have rejected as yu-wei--the active exploitation of the natural condition. As Miyamoto Masaru observes, the concept of wu-wei in the "Hsiu Wu" chapter is simply following a scientific methodology in order to achieve the most effective exploitation. (See Miyamoto, pp. 28-35)

[30]Although the development of Fa-chia doctrine (which found its culmination in the Han Fei Tzu) owes a debt to the Shang-chün shu as one of its primary sources, it is on the basis of this lack of "political technique (shu 術)" (wu-wei being one of the most important shu) that the Han

and Fa-chia discussion of hsing-ming (2:65-8):[32]

物固有形.形固有名.此言不得過實.實不得延名.姑形以形.以形務名.督言正名.....無為之道.因也.因也者.無益無損也.以其形因為之名.此因之術也.

"A thing has a certain form and a form has a certain name." This means that the name cannot go beyond the reality and vice versa. Let's treat form as form, find a name based on this form, inspect language and regulate names....The way of non-action is taking advantage of things. Taking advantage of things makes known what has been added and taken away, and assigns name according to the form. This is the technique of taking advantage of things.

When we compare this to a Han Fei Tzu elaboration on the same theme, however, the political application of this basic theory becomes very explicit (30:13):

用一之道.以名為首.名正物定.名倚物徙.故聖人執一以靜.便名自命.令事自定.不見其采.下故素正.因而任之.使自事之.因而予之.使將自舉之.正與處之.便皆自定之.上以名舉之.不知其名.復其形.形名參同.用其所生.二者誠信.下乃貢情.

In the Way of using One, the most important thing is name. Where names are correct, things can be pinned down, but where they are out of kilter, things are unstable. Therefore, the sage finds tranquillity by grasping One. He makes the ministers set their own definitions in their claims and fix their own limits in affairs. Because he does not show his colours, his subordinates are simple and forthright. Responding to what they do, he appoints them, and causes them to serve him of their own accord. Responding

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Fei Tzu criticizes the political theory of Kung-sun Yang. See the "Ting Fa" chapter of the Han Fei Tzu.

[31]The passage 1:17-2 is very similar to Lao Tzu 33 in wording, while 2:85-11 would seem to be an explanation of 1:17-2. Again, 1:82-3 can be compared to Lao Tzu 7, 25, 37 and 41. The remaining six occurrences are all contained in "Hsin Shu Shang" (chapter 36).

[32]This passage serves as commentary to the initial statement in 2:63-4.

> to what they do, he makes dispensations to them and makes them promote themselves. He rectifies laws to deal with them and makes them all define themselves. Those in high offices are promoted on the basis of name, and where he is unsure about the name, he returns to check the actual performance. He matches performance against name and uses the results. When name and performance can really be trusted, subordinates then show their real selves.

Perhaps the closest that this chapter of the Kuan Tzu comes to drawing the political implications of its theory is the analogy between the human body and the political state (2:63-13):[33]

> 耳目者視聽之官也心而無與於視聽之事則官得守其分矣夫心有欲者物過而目不見聲至而耳不聞也故曰上離其道下失其事故曰心術者無為而制竅者也

> The ears and eyes are the organs of sight and hearing. Where the heart has no part in the processes of seeing and hearing, these organs will be able to carry out their rightful duties. When the heart has desires, things pass in front of it but are not seen and sounds come but are not heard. Thus it is said: "Where superiors depart from the Way, subordinates will not fulfil their affairs." Therefore, the working of the heart lies in controlling the sense orifices while remaining non-active.

In this passage, where hsin (translated "heart" but embracing the notion of "mind" as well) is analogous to the ruler and the sense organs correspond to ministers with specific functions, we have the notion that only the hsin is wu-wei while the sense organs go about their individual tasks. The idea that wu-wei is the appropriate posture for the ruler while activity is appropriate to his subordinates--i.e. a clear distinction between the chu tao 主道 (Way of the ruler) and the ch'en tao 臣道 (Way of the minister)--is very much a characteristic of the Fa-chia interpretation of wu-wei.[34]

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[33] This passage serves as commentary to the initial statement in the opening lines of this chapter.

[34] Although this might also be said of the Confucian

While in the Kuan Tzu we have only a theoretical suggestion of the Fa-chia interpretation of wu-wei, the Han Fei Tzu inflates this theory into a very practical and presumably workable principle of political control. This is not to say that the Han Fei Tzu's elaboration on wu-wei can be traced to the Kuan Tzu. There are several reasons which suggest that in fact the Han Fei Tzu owes the initial Fa-chia interpretation of wu-wei to an anterior branch of Fa-chia theory which developed in the Cheng 鄭 area and can probably be associated with Shen Pu-hai. In addition to the evidence for such a conclusion put forward by Creel,[35] we would add some observations based on our examination of the Han Fei Tzu. Firstly, as Creel notes, there is a passage in the Han Fei Tzu 238:10 which attributes a Fa-chia interpretation of wu-wei directly to Shen Pu-hai:

> 申子曰.上明見.人備之.其不明見.人惑之.其知見.人惑之.不知見.人匿之.其無欲見.人司之.其有欲見.人餌之.故曰.吾無從知之.惟無為可以規之.一曰.申子曰.慎而言也.人且知女.慎而行也.人且隨女.而有知見也.人且匿女.而無知見也.人且意女.女有知也.人且藏女.女無知也.人且行女.故曰.惟無為可以規之.

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interpretation of wu-wei, the ideal Confucian ruler is still responsible for selecting and promoting virtuous ministers, and as such, is still part of the administrative system. In Fa-chia doctrine, however, the fact that the minister's role is one component in the operation of the government apparatus while the ruler exists outside the administration indicates the sharpness of the distinction between these two roles.

[35] Creel, having collected fragments attributed to Shen Pu-hai from various sources, has found that the term wu-wei with strong Fa-chia connotations occurs six times within this very limited material. By comparison, wu-wei occurs only seventeen times in the entire Han Fei Tzu, eight of which are in the "Chieh Lao" chapter and have nothing to do with Fa-chia thought. Again, Creel

> Shen Tzu said: "Where the perspicacity of the ruler is apparent, people will take precautions against it. Where his lack of it is apparent, people will mislead him. Where his intelligence is apparent, people will mislead him. Where his lack of it is apparent, people will hide things from him. Where his lack of desires is apparent, people will manage him. Where his desires are apparent, people will dangle bait in front of him. Therefore it is said: 'I have no basis on which to know them. Only in doing nothing can I keep an eye on them.'"
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> Another version has it that Shen Tzu said: "Be prudent in what you say because others will know you. Be prudent in what you do because others will follow you. If it is apparent that you are informed, others will hide things from you. If your ignorance is apparent, others will size you up. If you are informed, others will keep things from you, whereas if you are ignorant they will put things over on you. Therefore it is said: 'Only in doing nothing can I keep an eye on them.'"

It is of some importance to note the association between the concepts of wu-wei and what we might call wu-hsien ("to show nothing"). Two of the other seven Han Fei Tzu passages which contain wu-wei occur in quotations attributed to a man known obliquely as Cheng Chang Che (239:6 and 275:6):

> 鄭長者有言曰.夫虛靜無為而無見也.
> An elder of Cheng has a saying which states: "Vacuous, still and non-active, he shows nothing."
> 鄭長者有言.體道無為無見也.
> An elder of Cheng has a saying: "Embody the tao, be non-active, and show nothing."

There is also one more related passage which is attributed to this "elder of Cheng" (239:1):

> 鄭長者聞之曰.田子方知欲為廩而未得所以為廩.夫虛無無見者.廩也.
> An elder of Cheng on hearing this, said: "T'ien Tzu-fang was aware that the ruler should make himself a

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points out that the Han Fei Tzu 238:10 passage attributes the Fa-chia interpretation of this wu-wei concept to Shen Pu-hai directly. See Creel, What is Taoism? p. 63.

hiding place, but did not grasp how he should go about making it. Vacuity and not showing anything are his hiding place."

In terms of abstracting an interpretation of wu-wei from the Han Fei Tzu, the two most important chapters are without question "Chu Tao" and "Yang Ch'üan". In these two chapters, the wording of the passages which contain the expression wu-wei is so similar to the above "elder of Cheng" quotations that Liang Ch'i-hsiung[36] considers these portions of the "Chu Tao" and "Yang Ch'üan" chapters to be an explanation of and elaboration on the "elder of Cheng's" notion of hsü-wu wu-hsien 虛無無見 . Compare the following excerpts from these two chapters with the "elder of Cheng" passages cited above (18:12 from "Chu Tao"):

虛靜無事.以閒見疵.

30:3 from "Yang Ch'üan":

攜不欲見素無為也.

32:10 from "Yang Ch'üan":

虛靜無為.道之情也.

To recapitulate, of the nine Han Fei Tzu passages which include a Fa-chia interpretation of wu-wei, two are attributed directly to Shen Pu-hai, two are contained in passages attributed directly to "the elder of Cheng", and the five remaining occurrences appear in what might be elaborations on "the elder of Cheng's" initial hypothesis. The question arises--what is the real identity of this man called "the elder of Cheng"? Like Shen Pu-hai, he associates the notions of wu-wei and wu-hsien. According to Ch'ien Mu's analysis of the existing references to "the elder of Cheng", he was not earlier than T'ien Tzu-fang 田子方 who was counsellor to Lord Wen of Wei 魏文侯 (r. 424-387) and was not later than King Hsüan of Ch'i 齊宣王 (r. 319-301 B.C.).[37] The only reference to "the elder of Cheng's" writings is in the "Yi-wen chih" of

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[36] Han Tzu chien-chieh II p. 319.

[37] Hsien-Ch'in chu-tzu hsi-nien pp. 501-2.

the Han-shu under the Taoist section:

鄭長者一篇六國時先韓子.韓子稱之.

The three characters 鄭長者 are perhaps better understood as "the elder of Cheng" rather than as an actual name, being every bit as suggestive as 老子 or 河上公. If the character 鄭 does in fact refer to the state of Cheng which was annexed by 韓 in 375 B.C., we have a man who:

1) was a native of the same state as Shen Pu-hai[38]

2) lived at approximately the same time as Shen Pu-hai (d. 337 B.C.)

3) propounded a doctrine of wu-wei which appears to be very similar to if not identical with that of Shen Pu-hai[39]

This does not mean that "the elder of Cheng" is an alternative designation for Shen Pu-hai,[40] although it is possible.

Even if "the elder of Cheng" and Shen Pu-hai are not one and the same person, we have enough information to tentatively trace the Fa-chia interpretation of wu-wei to the Cheng 鄭 /Han 韓 region during the first half of the 4th C. B.C.

Having identified the probable source of the Fa-chia interpretation of wu-wei, we can now turn our attention to the actual meaning of this term. As is frequently the case with rival traditions of thought, concepts which

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[38] Even after Cheng was extinguished by Han in 375 B.C., it retained the name of Cheng, being called 新鄭 to the present day.

[39] The concept of wu-wei is probably the most important "technique of government" (shu) in Fa-chia theory, and the shu branch of political thought is traditionally traced to Shen Pu-hai.

[40] The fact that Shen Pu-hai (as 申子) and "the elder of Cheng 鄭長者 " occur side by side in the same 外儲說右上 chapter of the Han Fei Tzu would seem to indicate that in the mind of the author of this chapter, these were two different people. On the other hand, this chapter of the Han Fei Tzu was not written until at least a century after the death of Shen Pu-hai.

appear to be held in common are very strongly coloured by the most fundamental tenets of their disparate doctrines. As we have observed above, for example, the ultimate difference between the Confucian and Taoist interpretation of wu-wei lies in the former's conviction that potency actualized in te must be expressed in a manner consistent with cosmic morality, while the Taoists reject morality out of hand as artificial and unnatural. That is to say, the Confucian belief in the moral nature of the cosmos (or at least with Hsün Tzu, the potential of human morality) and the Taoist assertion that the cosmos is in fact amoral are opposing principles which are reflected in almost every aspect of their respective philosophies. Similarly, this concept of wu-wei in Fa-chia political theory must be seen as one thread in the general fabric of this school of thought. Hence, we must begin with a brief outline of the Fa-chia vision of ideal government. Since the Han Fei Tzu would appear to be the only pre-Ch'in text which provides us with a consistent and relatively comprehensive exposition of the Fa-chia political administration, we rely upon it as our primary source.

Fa-chia political philosophy might be characterized as "government of the ruler, by the ruler and for the ruler." In other words, the end served by this kind of government is first and foremost the interests of the ruler. These interests include political authority and absolute power, stability, personal safety, military strength, wealth and luxury, and freedom to enjoy the privileges due his position. While such interests may seem rather uninspired, one must bear in mind the historical context and the domestic and international strife which gave rise to this form of totalitarianism.

The Fa-chia theorists conceived of an administration structured on self-regulating "systems" as the most effective means of achieving the above purposes of the ruler. The first of these systems is the codification and establishment of an objective and universally applicable body of laws. From the ruler's perspective, the elimination of the human element and the reduction of litigation to a machine-like process guarantees order and stability within his borders. Once established and set in motion, the laws serve to police and to arrest any social irregularity and function automatically to insure swift and severe punishment for anyone bold enough to challenge the system.

A second important system is the establishment of a bureaucratic organization kept in check by a political application of the hsing-ming theory. The bureaucracy, like the society at large, is regulated by constantly and automatically being held responsible for its conduct. The theory behind hsing-ming is straightforward. The duties and the obligations of each office are clearly defined (i.e. ming). At given intervals, the performance (i.e. hsing) of office-holders is compared with their prescribed duties. Where performance is congruent with the objective definition of the office, rewards and promotions are both generous and constant; where discrepancies occur, however, the axe falls both swiftly and decisively. The important point is that the office-holder, before embarking on any course of action, is wholly aware of the consequence of that action.

The same notion of hsing-ming also applies on a less formal basis to those persons who approach the throne with various and sundry propositions. Where such men are engaged, a careful record is made of their claims, and if a gap is found between claim and services rendered, again, the axe falls with speed and decision.

The ruler, having structured the empire's administration on the basis of these "systems", controls the state rather than administers it. That is, the ruler whose stability and absolute authority are guaranteed by the very existence and operation of these systems simply reclines comfortably and confidently, overseeing the routine and efficient operation of his government machinery. His shih--the political purchase due him by virtue of his position as the embodiment of the authority of the system--coupled with strict adherence to the shu--the prescribed techniques of rulership--are sufficient to guarantee his continuing control.

Of the shu (techniques of rulership), perhaps the foremost is wu-wei and its corollary implications. In the conception of state outlined above, the positions and occupations of ruler and minister are very clearly defined and differentiated. Where the ministers are integral, functioning and active components in the bureaucratic system, the ruler is not. Rather, he is the human embodiment of the authority of the system. As such, any activity on his part violently disrupts the actual structure of the systems. For example, any intervention on his part with respect to law introduces an arbitrary element into an otherwise objectively functioning system, seriously undermining public conviction in the absoluteness of law. Any personal intervention on his part with respect to the bureaucracy disturbs the faith of the officialdom in the certainty of wealth and promotion through fulfilment of responsibility and devotion to duty.

Just as in the Taoist and Confucian interpretations of wu-wei, in the Han Fei Tzu we find an attempt to correlate the operations of the cosmos and the proper functioning of the political state. Characteristics

attributed to the metaphysical tao are projected on to the ideal ruler (31:13):

故曰.道不同於萬物.德不同於陰陽.衡不同於輕重.繩不同於出入.和不同於燥溼.君不同於群臣.凡此六者.道之出也.道無雙.故曰一.是故明君貴獨道之容.君臣不同道.下以名禱.君操其名.臣效其形.形名參同.上下和調也.

Therefore it is said: The tao is not the same as the myriad things, te is not the same as the yin and yang, a pair of scales is not the same as heaviness and lightness, the marking line is not the same as the variations it measures, the ho flute (a reed instrument unaffected by humidity) is not the same as wetness and dryness, and a ruler is not the same as his various ministers. All six of these come out of the tao, but because the tao is not a plurality, it is called the One. Therefore, the perspicacious ruler values the disposition of the solitary tao. The ruler and his ministers do not have the same tao. The subordinates define their proposals and the ruler takes a firm grasp on these definitions. The ministers then deliver their performance, and where definition and performance are congruent there is harmony between ruler and subordinate.

By maintaining an attitude of wu-wei, the ruler cannot be deceived by clever people who, given a certain degree of insight into his royal character, are able to anticipate his reactions. Rather, these people look to the laws and to their responsibilities of office as their standards of conduct. He can effectively avoid all blame and censure for any failure while basking in the praise of his subordinates for any successes. He can avoid competing on a personal level with his subjects who, collectively, surpass him in virtually every respect. This means that even a ruler of very common parts--probably not an altogether uncommon phenomenon--can be successful in maintaining political control. In the Han Fei Tzu passages which discuss this political technique wu-wei, there are a variety of corollary shu which are really aspects of the wu-wei attitude. There is wu-hsien

無見 "to show nothing". This means not demonstrating one's likes and dislikes, not proffering an opinion on any given subject, and not revealing ambitions or personal desires. In maintaining this posture, the ruler shields the contours of his character and intellect from public sight. There is also personal solitude and secrecy, keeping one's own counsel and the encouragement of a personal mystique by a lack of direct contact. By remaining beyond the range of public scrutiny, the ruler becomes an ideal invested with the superlative degree of all things worthwhile. Because his subordinates have no knowledge of his actual limitations, they attribute powers to him far beyond his real capacities. The Han Fei Tzu describes this ruler in the following terms (32:10):

凡聽之道.以其所出.反以為之入.故審名以定位.明分以辯類.聽言之道.溶若甚醉.唇乎齒乎.吾不為始乎.齒乎唇乎.愈惛惛乎.彼自離之.吾因以知之.是非輻湊.上不與構.虛靜無為.道之情也.參伍比物.事之形也.參之以比物.伍之以合虛.根幹不革.則動泄不失矣.動之溶之.無為而改之.喜之則多事.惡之則生怨.故去喜去惡.虛心以為道舍.上不與共之.民乃寵之.上不與義之.便獨為之.上固閉內扃.從室視庭.參咫尺已具.皆之其處.

Now, the way of listening is to match the performance against the proposal. Therefore, examine proposals carefully in fixing offices and clarify duties in making distinctions. The way of listening is to say to yourself: Assume the characteristics of drunkenness. Lips! Teeth! I am not the first to move! Teeth! Lips! Be ever more inscrutible! I will take advantage of other people exposing themselves to understand them. Different opinions converge on the ruler at the hub, but do not play any part. Vacuity, stillness and non-action--this is the disposition of the tao. Examination, scrutiny and comparison--this is the shape of affairs. Examine subordinates by comparing what has come to light and scrutinize them by bringing these into the hub. Where the trunk and roots do not change, activities will not go astray.

> In motion, in stillness, make all changes through non-action. When you like subordinates, affairs will proliferate; when you dislike them, you will give rise to resentment. Therefore, abandon likes and dislikes, and make your heart vacuous in order to become the lodging-place of the tao. The ruler does not join together with his subjects in administering affairs, and the people respect him. He does not discuss things with them, and makes them carry them out by themselves. He bolts his chamber door firmly and from his room watches the courtyard. The standards already being set in place, everyone takes his proper place.

As the above passage makes clear, in Fa-chia political theory, wu-wei and the related shu (techniques of rulership) are intended to prevent any knowledge of or insight into the personal attributes and limitations of the ruler which may encourage irregularities in the operations of the government machinery.

E. WU-WEI IN THE "CHU SHU" CHAPTER OF THE HUAI NAN TZU

Above we have analyzed the interpretation of wu-wei in each of the three leading traditions of early Chinese thought. While the same term is used in each of these traditions to represent an ideal posture for the ruler, the interpretations seen in the context of their respective systems are fundamentally at variance. In the Taoist political theory, wu-wei is the leading principle in a philosophy of idealized anarchy, whereas in the Fa-chia theory it is taken to the opposite extreme as a technique used to buttress a highly structured and regimented totalitarianism. This is indeed contrast! With the role of wu-wei in each of these three doctrines clearly delineated, we can now bring this understanding to bear on an analysis of wu-wei in the political programme propounded in the "Chu Shu" chapter of the Huai Nan Tzu.

The concept of wu-wei put forward in the "Chu Shu"

chapter is basically a synthesis of the three traditions outlined above. Given the obvious disparity which exists in their interpretations of wu-wei, an internally consistent and practicable compromise is really quite difficult to envisage. And yet, in the "Chu Shu" understanding of wu-wei we can see the true shape of Han eclecticism.

Wu-wei is one of the main themes in this chapter--no less than half of the text is devoted to it and its ancillary concepts. Because the interpretation of wu-wei is constructed on a Fa-chia framework, perhaps the clearest method of analyzing the synthesis is to outline the Fa-chia concepts and then move on to a discussion of how these ideas have been modified or influenced by the other two contributing traditions. In dealing with this kind of a synthesis, emphasis and relative significance are very important factors. What has been altered or omitted is often more revealing than what has actually been absorbed into the system.

Rejection of the ruler's interests in favour of the general welfare of the people

In our outline of Fa-chia doctrine above, we observed that the first characteristic of Fa-chia thought is that the entire government apparatus is constructed to serve the interests of the ruler, and these interests are conceived as being fundamentally at odds with those of his ministers (Han Fei Tzu 179:12):

> 君臣之利異.故人臣莫忠.故臣利立而主利滅.
> Because the interests of the ruler and those of the minister are different, no minister is loyal, and where the minister's interests are served, the ruler's are subverted.

Thus the ruler uses rewards and punishments to encourage and coerce his subordinates away from private interests and toward a contribution to the state. In this chapter

of the Huai Nan Tzu, however, this preoccupation with the interests of the sovereign is superseded by a concern for the general welfare of the people--a theme which pervades the entire chapter (9/7a):[41]

是故人主覆之以德.不行其智而因萬人之所利.

For this reason, putting the whole world under his bounty instead of bringing his own intelligence into play, the ruler follows what the people find beneficial.

The "Chu Shu" chapter does not accept the basic antagonism between the benefit of the people and the interests of the ruler. Rather, it holds that while the people are seeking their own benefit and the ruler is seeking political stability, the means of achieving these ends are one and the same. The "Chu Shu" chapter not only rejects the notion that conflict exists between private and public interests, but insists that in benefiting the people the ruler benefits himself (9/17a):

夫防民之所害.開民之所利.威行也.若發堰決壅.故循流而下易以至.背風而馳易以遠.

If the ruler prevents that which injures the people while encouraging that which brings them benefit, his authority will prevail like the opening of a dike or the breaking of a dam. Hence, if one goes downstream with the current, he will easily get to his destination; if one gallops along with the wind at his back, he will easily travel far.

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[41] See the below chapter, Li Min 利民. The notion of li min is combined with a typically Fa-chia agrarian emphasis, and the economic theory necessary for equitable government is discussed. The point is made that the taxation of the ruler must be made relative to the conditions of the harvest. Again, this concept of li min is not confined to this one chapter of the Huai Nan Tzu, but rather is a recurrent theme throughout the text (10/9b, 13/3a, 19/2a):

堯王天下.....終不私其利矣.

治國有常而利民為本.

五聖者天下之盛主.勞形盡慮為民興利除害而不懈.

This assertion that the interests of the people and the ruler in fact coincide is based upon a decidedly Confucian conviction[42] that ultimately the political control of the ruler is dependent upon the continuing goodwill of the people. If, on the other hand, the ruler chooses to alienate his people, he is in fact effectively undermining his own political stability.

In the "Chu Shu" chapter of the Huai Nan Tzu, the characteristically Fa-chia tension between ruler and minister is supplanted by an attitude of co-operation, and the Fa-chia interest in exploiting the people is superseded by the principle of "benefiting the people (li min)".

Rejection of the will of the ruler as the basis of law in favour of the will of the people

It was noted above that according to Fa-chia political theory, the most efficient means of serving the interests of the ruler is to construct a government apparatus operating on the basis of self-regulating "systems". The two most important systems are a code of objective and universally applicable laws, and a bureaucratic organization governed by objective standards embodied in the political application of hsing-ming. The political theory advanced in the "Chu Shu" chapter takes this notion of "systems" over from the Fa-chia, and advocates both a code of universal laws and a bureaucratic administration controlled by hsing-ming. Given the smooth and regular functioning of the

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Although this theme has its roots in the early Confucian texts (e.g. Shang-shu "Wu Tzu Chih Ko": 民為邦本), by early Han times it had become one of the leading tenets of the new Confucianism (e.g. see the "Ta Cheng Shang" chapter of Chia t'ai-fu hsin-shu).

[42] See Mencius 7/1B/7, 8; 36/5A/5; 56/7B/14 and Hsün Tzu 53/15/1 and 26/9/19.

law and the bureaucracy, the ruler simply reclines in a state of wu-wei as the human embodiment of the authority in which these systems are grounded. In terms of wording and presentation, the concept of laws would appear to have been inherited wholesale from the Fa-chia tradition, but in fact, there are several notable characteristics which clearly distinguish it from its Fa-chia counterpart:

1) the laws originate in what is appropriate and equitable to the people (chung shih 衆適) rather than in the arbitrary whims of the ruler, and as such, are in general sympathy with the human condition.

2) the will of the ruler is superseded by and suject to the universally applicable laws and social norms.

3) the laws are seen as having their basis in universal moral principles.

4) the guarantee of absolute equality before the law for all people regardless of status is present in the Fa-chia doctrine, but only as an unintentional by-product of absolute control. In the "Chu Shu" interpretation of law, the concept of equality attracts considerably more emphasis.

We will discuss the disparity between the "Chu Shu" and Fa-chia interpretations of law more thoroughly in the below chapter devoted entirely to that subject.

Replacement of the Fa-chia dependence upon external coercion and constraint with a theory of internal development and collective contribution

With respect to the "Chu Shu" chapter's treatment of the bureaucratic organization, the system of hsing-ming is repeatedly put forward in a manner very reminiscent of the Han Fei Tzu (Huai Nan Tzu 9/15b-16a):[43]

故有道之主，滅想去意，清虛以待。不伐之言，不奪之事，循名責實，使自司任而弗詔，責而弗教，以不知為道，以奈何寶。如此則百官之事各有所守矣。

Thus, the ruler in possession of the Way extinguishes thought and dispenses with guessing, and waiting in limpidity and vacuity, he uses words that do not boast and takes action that does not rob subordinates of responsibility. He makes demands of fulfilment according to claims made. He lets them get on with their duties without instructing them. He takes not knowing as his Way and not knowing what to do as his treasure. Acting in this way, each of the various officials has his appointed tasks.

In the Han Fei Tzu, there is a very real preoccupation with ministerial containment and control, whereas in the "Chu Shu" chapter the bureaucracy is seen as only one corner of a much larger concept. In Fa-chia political theory, the raison d'etre for a bureaucratic system is efficiency in ruling the state. The ruler, regardless of his personal attributes and quality, is only one man, and labours under the obvious restrictions implied by this fact. Aware of the ruler's personal limitations, the Fa-chia theorists divide administrative duties into practical units and establish a system of control which guarantees the regular and efficient operation of the government apparatus. Fa-chia doctrine stresses this aspect of the political organization.

In the "Chu Shu" chapter, we find the same awareness of the obvious personal limitations of the ruler (9/4b-5a):

故得道之宗，應物無窮，任人之才，難以至治。湯武聖王也，而不能與越人乘桴浮於江湖；伊尹賢相也，而不能與胡人騎騾而服駒駼；孔墨博通，而不能與山居者入榛薄險阻也。由此觀之，則人知之於物也淺矣。而欲以偏照海內，存萬方，不因道之數而舉己之能，則其窮不達矣。故智不足以治天下也。桀之力，別離伸鉤，索鐵歙金，推移大轝，水殺黿鼉，陸捕熊羆，然湯革車三百乘困之鳴條，擒之

[43] See also 9/1a and 9/9a.

焦門.由此觀之.勇力不足以恃天下矣.智不足以為治.勇不足以為強.則人材不足任明也.而君人者.不下廟堂之上而知四海之外者.因物以識物.因人以知人也.

For this reason, when one embodies the origin of the Way, he is never at his wits end in responding to things, but when he relies upon the talented, it is difficult to effect the highest orderliness.

Even sage-rulers such as T'ang and Wu would be unable to match the Yüeh people in maneuvering a small craft on the rivers and lakes. Even an outstanding minister like Yi Yin would be unable to match the Hu people in breaking to harness the fine horses of the north. Even people as wide in understanding as Confucius and Mo Tzu would be unable to match the mountain people in foraging about the thicket and scaling perilous slopes.

Viewing it from this perspective, with respect to things, human intelligence is very limited in scope. If a man, in hoping to be able to light up the whole world and scrutinize all directions, relies exclusively on his own ability rather than on the inevitable outcome of practicing the Way, he is pursuing a dead-end path. That is to say, individual human intelligence is not adequate to the task of bringing proper order to the world.

Chieh's strength was such that he could split a horn, unbend a hook, plait iron, fuse metal and maneuver a great ox about, in the water he could kill a giant turtle and on land he could capture a bear. Nevertheless, T'ang leading only three hundred war chariots surrounded him at Ming T'iao and then captured him at Chiao Men. Viewing it from this perspective, outstanding strength and boldness is not adequate to the task of retaining control of the world.

Since human intelligence is not in itself sufficient to effect proper government and boldness is not in itself sufficient to prevail, it is clear that individual human talents cannot be relied upon. This being so, where a ruler comprehends circumstances even beyond the four seas without ever leaving his ancestral hall, it is because he takes advantage of things to understand things and takes advantage of man to understand man.

The "Chu Shu" chapter accepts the Fa-chia rejection of reliance on individual human abilities, but amplifies this principle with its complementary notions of yung chung 用衆 ("using the people") and ke te chi yi 各得其宜 ("each thing achieving what is appropriate to it"). In the "Chu Shu" chapter, reliance upon the bureaucracy to order the state properly is extended to reliance upon the collective contribution of the society as a whole. As we will see in the chapter which deals exclusively with yung chung, in the "Chu Shu" chapter this concept is closely associated with the very Taoist conviction in the differing and yet equal value of all things.[44] Although yung chung is in essence the gathering and exploitation of broad human talents, this promotion of human talents is not an active policy of promoting superior men identified by some arbitrary standard of moral value. Rather, it works on the basis of each particular being given the freedom to grow and express its individual nature and make its individual contribution--very reminiscent of our Taoist interpretation of wu-wei. In the Lao Tzu, the principle that each particular has its unique value has its political application in a passage like Chapter 27:

> 是以聖人常善救人.故無棄人.常善救物.故無棄物.
> Therefore, because the sage is always adept at rescuing people, he is without rejected people; because he is always adept at rescuing things, he is without rejected things.

Similarly, this same principle couched in "Chu Shu" statements such as (9/5a-b):

> 因物以識物.因人以知人.

and (9/8a):

> 毋大小脩短.各得其宜.

finds political application in the assertion that (9/7b):

> 是故君臣異道則治.同道則亂.各得其宜處其當則上下有以相使也.....是故群臣輻湊並進.無愚智賢不肖.莫不

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[44] For example, see the "Ch'i Wu Lun" chapter of Chuang Tzu.

盡其能者.則君得所以制臣.臣得所以事君.治國之道明矣.
For this reason, where the ruler and minister have different Ways, there is proper order, but where they are the same, there is disorder. If each gets what is appropriate to him and dwells in what is right for him, superior and subordinate will deal with each other in the right way....For this reason, when the various ministers are like spokes converging side by side at the hub, and irrespective of intelligence or moral character, all do their best, then the ruler has the means to hold control over his ministers, the ministers have the means to serve their ruler, and the Way of ordering the state properly is clear.

The concept of yung chung recognizes the vital importance of allowing each particular to develop in accordance with its natural design. In as much as it advocates full utilization of the spontaneous contribution of each constituent thing, there is much here which points to the Taoist ideal of anarchy and administration by non-intervention. This Taoist element in the political system influences the relative emphasis placed on various other components in the overall theory. Firstly, while a system of fixed and universally applicable laws is certainly advocated, the ideal society is one in which such laws are on the statute books but are unnecessary, where punishments are listed but are not applied, where jails exist but stand empty (9/2a):

是故威厲而不殺.刑錯而不用.法有而不煩.故其化如神.其地南至交趾.北至幽都.東至湯谷.西至三危.莫不聽從.當此之時.法寬刑緩.囹圄空虛.而天下一俗.莫懷姦心.
Thus, his (Shen Nung's) bearing was severe yet he did not have to resort to executions, his punishments were put aside and he did not have to invoke them, and his laws were simple and uncomplicated. Hence, his transformation of the people was godlike. In his territory stretching from Chiao Chih in the south to Yu Tu in the north, T'ang Ku in the east and San Wei in the west, there was no one who would not submit to his rule. At this time, the laws and punishments were not stringently applied and the prisons were empty. The world was one in custom and none were of a wicked mind.

Secondly, rather than simply relying upon regular and universal enforcement of law to maintain order in the society, the ruler influences and transforms the people by a te 德-like potency which he has managed to accumulate and retain in his own person through non-activity (9/2b):

> 刑罰不足以移風.殺戮不足以禁姦.唯神化為貴.至精為神.
>
> Punishments and penalties are incapable of changing customs and executions are incapable of putting a stop to wickedness. Only god-like transformation is precious and only the most essential vapours can do it in that way.

This notion of shen hua 神化 "god-like transformation" is very close to the traditional conception of te--a potency which encourages the natural development and the proper operation of the empire. Again, there is a definite Han Confucian influence with the underlying principle of t'ien jen hsiang ying 天人相應 by virtue of which the potency of the ruler pentrates and favourably influences the cosmic order (9/1b):

> 昔者神農之治天下也.神不馳於胸中.智不出於四域.懷其仁成之心.甘雨時降.五穀蕃植.春生夏長.秋收冬藏.月省時考.歲終獻功.以時嘗祀于明堂.
>
> In ancient times when Shen Nung governed the world, his spirit did not desert his breast, his wisdom did not go beyond the four directions, and he cherished his magnanimous mind. The sweet rains fell at the proper time and the five grains flourished. In spring they sprouted forth, in summer they grew, in the autumn they were harvested and in winter they were stored. With monthly examinations and seasonal scrutiny, at the year-end the record of their accomplishments would be offered up, and tasting the grain at the proper season, he would make sacrifices in the Ming T'ang.

Thirdly, the Fa-chia framework of this "Chu Shu" chapter implies a certain regimentation imposed on the society from above. In fact, in the "Chu Shu" chapter this

regimentation is internalized with the natural and complementary development of particulars being guaranteed by an external and yet ideally inactive political order. The political order only exists to arrest unnatural activity in the society.

These three examples demonstrate the fact that while the "Chu Shu" chapter retains and espouses a Fa-chia framework for its political theory, the introduction of Taoist and Confucian elements into this theory significantly alters the relative value invested in the various concepts.

Redefinition of the roles of ruler and minister as integral and complementary parts in the administrative system

In the political doctrine of the "Chu Shu" chapter as in Fa-chia theory, the roles of ruler and minister are clearly differentiated. The position of ruler is likened to the scales and carpenter's marking line--fixed and immutable, wholly impartial, universally recognized and respected.[45] It is compared to the unmoving upright on a shadoof--unmoving itself but absolutely essential to the operation of the government.[46] Perhaps this analogy can be used to demonstrate the divergence between the original Fa-chia conception of ruler and the revised "Chu Shu" version.

In our analysis of the Fa-chia concept of wu-wei, we found that whereas the ministers are integral, functioning and active components in the administrative system, the ruler as the human embodiment of the authority of the system is himself separate and distinct from it. It is on this basis that the Way of the ruler is wu-wei while

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[45] See 9/4a-b.

[46] See 9/6b.

that of his ministers is active.

In the "Chu Shu" chapter we find that this ruler-minister distinction reflects the main themes of its political philosophy. The Way of the ruler is "round" while that of his minister is "square".[47] The ruler and the minister each have a function appropriate to their position (9/7a-b):

> 是故君臣異道則治.同道則乱.各得其宜.處其當.則上下有以相使也.
>
> For this reason, where the ruler and minister have different Ways, there is proper order, but where they are the same, there is disorder. If each gets what is appropriate to him and dwells in what is right for him, superior and subordinate will deal with each other in the right way.

We find that the injection of the essentially Taoist combination of yung chung and ke te ch'i yi alters the original Fa-chia thrust in this ruler-minister distinction. The Fa-chia theorists observe that there is an antagonism between ruler and minister and a constant struggle for power.[48] On this basis they insist upon a clear delineation of roles and a system to prevent usurpation of power and privilege beyond the prescribed offices. In the "Chu Shu" theory, the distinction between ruler and minister is much more of the order that different things have differing and yet equal value. The ruler and minister are both wu-wei in the sense that they do not do anything beyond their defined roles, and yet both have an active function in the sense that they contribute to the operation of the state. Where the Fa-chia ruler is distinct from the government apparatus, the "Chu Shu" ruler as the unmoving upright on the shadoof is a functioning albeit stationary part in the machinery. The ruler-dominated relationship is

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[47] See 9/7a.

[48] V.A. Rubin observes (p. 62): "The idea that the relations between the state and the people are antagonistic

replaced by a theory of reciprocal and mutually dependent function (9/10a-b):

> 夫疾風而波興,木茂而鳥集,相生之氣也.是故臣不得其所欲於君者,君亦不能得其所求於臣也.君臣之施者,相報之勢也.是故臣盡力死節以與君,計君垂爵以與臣市.故君不能賞無功之臣,臣亦不能死無德之君.君德不下流於民,而欲用之,如鞭跣馬矣.是猶不待雨而求熟稼也,不可之數也.

> When there are strong winds, the waves rise, and where there is thick foliage, the birds gather. This is because these things go together. Thus, when the minister does not get what he wants from the ruler, the ruler will also be unable to get what he seeks from the minister. The ruler and minister benefit each other only on a basis of reciprocity. Thus, the minister barters with his ruler by offering total commitment to the point of laying down his life while the ruler trades with his ministers by offering the dispensation of noble ranks. Just as the ruler cannot reward a minister who has rendered no service, a minister cannot die for a ruler to whom he owes no gratitude. When the favours of the ruler do not flow down to the people, for him to want to get service out of them is like whipping an unruly horse. It is like hoping for a ripe harvest without rain. It is simply impossible.

Emphasis on the ruler's capacity for eliciting information from the broad base of his subordinates

In Fa-chia political theory we identified several principles corollary to wu-wei: there is what we have termed wu-hsien 無見 "to show nothing" which means refraining from demonstrating one's likes and dislikes, not proffering an opinion on any given subject, and not revealing ambitions or personal wishes. There is also

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is a feature that distinguishes Legalist theory from other trends of political thought in both the East and the West."

personal secrecy and solitude, keeping one's own counsel and the encouragement of a personal mystique by a lack of direct contact. The purpose of wu-hsien is to prevent knowledge into the personal attributes and limitations of the ruler which may encourage irregularities in the operations of the government.

These corollary principles are also a prominent feature of the "Chu Shu" chapter. On the surface, they are very reminiscent of their Fa-chia antecedents. Personal demonstrations of partiality on the part of the ruler are discouraged because they give rise to disorder and a breakdown of the established systems (9/15a):

> 喜怒形於心者.欲見於外.則守職者.離正而阿上.有司枉法而從風.賞不當功.誅不應罪.上下離心而君臣相怨也.是以執政阿主而有過則無以責之.有罪而不誅.則百官煩亂.智弗能解也.毀譽萠生.而明不能照也.
>
> Where pleasure and anger form in the ruler's heart and desires are manifest in his countenance, then officials will abandon what is proper and pander to the desires of the ruler, and will bend the laws and follow his inclinations. Rewards will not tally with accomplishments and punishments will not correspond to the crime. Superior and subordinate will become estranged and ill-will will grow between ruler and minister. Therefore, when officials obsequious to the ruler commit errors, there is no way of taking them to task. If the guilty are not punished, the bureacracy will seeth in turmoil that even intelligence cannot settle and praise and blame will sprout forth that even perspicacity cannot illumine.

On the other hand, in refraining from interfering in the smooth and efficient functioning of the law and the bureaucratic organization, the ruler makes it possible for these systems to operate with a constancy and certainty which will inspire keen observance among his subordinates (9/6a):

> 是故明主之治.國有誅者而主無怒焉.朝有賞者而君無與焉.誅者不怨君.罪之所當也.賞者不德上.功之所致也.

民知誅賞之來皆在於身也.故務功修業.不受贛於君.是故朝廷蕪而無迹.田野辟而無草.故太上下知有之.

Thus it is that under the administration of a perspicacious ruler, in cases where the state carries out punishments the ruler feels no anger toward the punished. Where the court bestows rewards, the ruler plays no part in them. Those who are punished bear no grudge against the ruler. This is because it is what their crimes deserve. Those who are rewarded do not feel grateful to the ruler. This is because it is what their good service merits. Because the people know that the source of punishment and reward lies in themselves, they try their best to discharge their duties and do not feel in debt towards the ruler.

For this reason, the court being overgrown with wild grass, there are no footprints, and yet with every corner of the land being cleared for cultivation, there are no weeds in the fields. Thus, as for the most excellent ruler, his subjects only know that he exists.

Because the ruler keeps himself beyond the critical and probing gaze of his subordinates, he is able to retain an aura of loftiness and omnipotence (9/11a-b):

人主之居也.如日月之明也.天下所同側目而視.側耳而聽.延頸擧踵而望也.

The position of the ruler is like the brilliance of the sun and moon. He is that which all of the people in the world alike strain their eyes to see, prick up their ears to hear, and crane their necks and stand on tiptoe to gaze upon.

It is at this juncture that the "Chu Shu" chapter lays strong emphasis upon the very positive concept of the ruler constantly eliciting information from his subordinates.[49] While personally remaining secluded and

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[49] The Han Fei Tzu 239:5 insists that the ruler must remain secluded and shrouded in secrecy. In 305:16 there is the notion of taking advantage of the combined faculties of the people to see and hear. While these two elements are certainly present in the Han Fei Tzu, here it is the complementary nature of these two ideas which receives emphasis. See the following chapter on yung chung.

distant, his supporting bureaucracy has been structured in such a manner as to give him constant access to a steady flow of information to keep him abreast of events (9/7a):

人主深居隱處以避燥濕，閨門重襲以避姦賊，內不知閭里之情，外不知山澤之形，帷幕之外，目不能見十里之前，耳不能聞百步之外，天下之物無不通者，其灌輸之者大，而斟酌之者衆也，是故不出戶而知天下，不窺牖而知天道。

Since the ruler dwells deep in seclusion and secrecy to avoid dryness and the damp, and remains behind layer upon layer of doors in order to protect himself against villainy and insurgency, he is neither aware of the situation in the population centers nor is he aware of the lay of the land. Beyond the curtains and hangings, his eye cannot penetrate further than a few miles and his ear cannot hear beyond a hundred paces. Even so, that he is wholly cognizant of all that goes on within the empire is because his communicants and purveyors are numerous. Hence, without going beyond his doors, he knows about the world; without peeping out through his windows, he comprehends the Heavenly Way.

Here we have the seam between the basically negative concept of wu-wei and the very positive notion of yung chung. By tapping the concerted faculties of the populace at large to scan the operations of the state and register any irregularities, the ruler is able to remain secretive and aloof while at the same time being wholly informed on current developments (9/12a-b):

人主者以天下之目視，以天下之耳聽，以天下之智慮，以天下之力爭，是故號令能下究，而臣情得上聞，百官修通，群臣輻湊，喜不以賞賜，怒不以罪誅，是故威立而不廢，聰明先而不壅，法令察而不苛，耳目遷而不閉，善否之情日陳於前而無所逆，是故賢者盡其智，不肖者竭其力，德澤兼覆而不偏，群臣効務而不怠，近者安其性，遠者懷其德，所以然者何也，得用人之道而不任己之才者也。

> The ruler sees with the eyes of the empire, hears with the ears of the empire, thinks ahead with the intelligence of the empire and contends with the strength of the empire behind him. For this reason, his edicts and commands are able to penetrate to the lowest layer and the plight of his subjects is heard by him above. His bureaucracy functions smoothly, and his various ministers are like spokes converging at the hub. He does not reward on account of pleasure or punish on account of anger. For this reason, his authority being established will not waver, his intelligence shining forth will not be obscured, his laws and edicts being explicit will not be unduly harsh, his sight and hearing being penetrating will not be beclouded, and what is really good and bad daily being set out before him, he still anticipates nothing.
>
> Thus, those of superior qualities contribute their full intelligence and those of inferior character contribute their full strength. The ruler's favour and bounty covering the length and breadth of the land is impartial, and the various ministers labouring assiduously are not remiss. Those near are contented with their way of life and those far away are won over by his magnanimity. The reason for this is because understanding the Way of using people he does not rely on his own abilities.

As is clearly expressed in this passage, the ruler rejects any reliance upon his own personal abilities in favour of the collective wisdom and strength of his people. In doing so, on the one hand he is personally wu-wei while on the other he has an awareness of and access to the multifarious contributions of his people.

Reliance upon universal laws and the ruler's god-like power of transformation

Above we observed that the "Chu Shu" chapter, in order to guarantee social and political order, advocates a synthesis between a reliance upon universal laws and the ruler's god-like power of transformation. We noted that this notion of shen hua 神化 is decidedly Taoist in tone. In the Taoist tradition, there is frequent reference to the containment and storing up of one's vital life forces

as a means of attaining a realization of the tao.[50] This concept is present in the "Chu Shu" chapter (9/1b):

> 天氣為魂.地氣為魄.反之玄房.各處其宅.守而勿失.上通太一.太一之精.通於天道.
>
> A person's spiritual souls come from the vapours of heaven while his sentient souls come from the vapours of earth. Returning these to their mysterious apartments and causing each to dwell in its proper residence, if one can watch over these and not lose them, he achieves communion above with the Great One. And the essence of the Great One has communion with Heaven.

The formal Fa-chia system of laws and bureaucratic organization in itself is not enough to guarantee social order (9/2b):

> 刑罰不足以移風.殺戮不足以禁姦.
> 唯神化為貴.至精為神.
>
> Punishments and penalties are incapable of changing customs and executions are incapable of putting a stop to wickedness. Only god-like transformation is precious and only the most essential vapours can do it in that way.

In fact, severity and constraint in government are inimical to the proper functioning of the state (9/2a):

> 夫水濁則魚噎.政苛則民亂.
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> Now where water is muddy the fishes gasp, where government is severe the people are disorderly.

In this "Chu Shu" chapter and particularly in 9/1b-2a and 9/2b-4a, there is a belief expressed in a potency which can influence the social and cosmic orders. It is the transformation of the people through this potency which is considered the highest and ideal form of government (9/4a and 9/7a):

> 故太上神化.其次使不得為非.其次賞賢而罰暴.
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> Therefore, the highest ruler is god-like in his transformations. The next makes it impossible for people to do wrong. And the next rewards those of superior qualities and punishes the troublemakers.

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[50] For example, see Chuang Tzu 42/17/20 and 58/22/18.

主道員者.運轉而無端化育如神.虛無因循.常後而不先也.
The reason for saying that the Way of the ruler is round is, revolving and turning, it is without a starting point. He transforms and nurtures like a god, is vacuous and vacant and follows the natural course of things.

Summary

To summarize, the concept of wu-wei in the "Chu Shu" chapter is constructed on a Fa-chia framework. From the Fa-chia tradition it borrows the following supporting features:

1) an objective and universally applicable system of laws

2) a bureaucratic organization governed by an objective standard of hsing ming

3) a wu-wei posture for the ruler, concomitant to which he:

a) remains in solitude and seclusion

b) keeps his own counsel

c) encourages a personal mystique

d) refrains from overriding objective standards with subjective preferences

e) refrains from making a display of personal attributes, opinions and ambitions

At the same time, the "Chu Shu" chapter modifies the Fa-chia interpretation of wu-wei by:

1) rejecting the ruler's interests in favour of the general welfare of the people

2) rejecting the will of the ruler as the basis of law in favour of the will of the people

3) introducing and emphasizing the complementary notions of yung chung and ke te ch'i yi to replace

external constraint and coersion with a theory of internal development and collective contribution

4) redefining the roles of ruler and minister as integral and complementary parts of the administrative system

5) emphasizing the ruler's capacity for eliciting information from the broad base of his subordinates

6) advocating a reliance upon universal laws and the ruler's god-like power of transformation

The concept of wu-wei found in the "Chu Shu" chapter is, for the most part, a Fa-chia-Taoist synthesis. It is Taoist in as much as the ruler while himself remaining wu-wei orchestrates the natural development of particulars and utilizes their contributions. He follows nature in accepting from subordinates those things which are in keeping with their individual aptitudes and are easy for them to achieve. It is again Taoist in that it roots out all of the elements of unnatural constraint and external compulsion from the traditional Fa-chia programme of government. While retaining the Fa-chia conception of laws, it removes the element of constraint by grounding them in chung shih 衆適 "what is congenial to the people". While retaining the Fa-chia bureaucracy, it removes the element of constraint by encouraging the utilization of broad human talents (yung chung) in accordance with their particular aptitudes (ke te ch'i yi). While retaining a seemingly Fa-chia conception of ruler, it removes the element of constraint by insisting that his interests coincide with those of his subjects and are best served by devotion to the well-being of his people. While retaining a Fa-chia conviction in the efficacy of a concrete political structure, it removes the element of constraint by insisting that external controls are only necessary where natural development breaks down.

In this chapter we have outlined the manner in which elements of the Taoist notion of wu-wei have been absorbed and turned to positive consequence in the "Chu Shu" interpretation of this concept. In our discussion of wu-wei as found in the Lao Tzu and Chuang Tzu, we concluded that while a utopian anarchy is a worthy aspiration, the greatest single flaw in the Taoist political application of wu-wei is that it is impracticable. How does one structure and implement a "non-government"? This, then, is the positive contribution of the Fa-chia tradition. It provides the "Chu Shu" political theory with a realistic framework in which the Taoist principles can be applied. The formal administrative structure has been modified from its Fa-chia model to provide the room for natural development with an absolute minimum of external interference. At the same time, this administrative structure stands as a guarantee against unnatural and anti-social conduct.

CHAPTER III: YUNG CHUNG 用衆

A. INTRODUCTION

In the preceding chapter, we examined the concept of wu-wei as it is represented in the pre-Ch'in Confucian, Taoist and Fa-chia texts, and by comparing the disparate interpretations, arrived at the conclusion that wu-wei in the "Chu Shu" political philosophy is basically a Taoist-Fa-chia synthesis. We further discovered that a ruler's ability to assume a wu-wei attitude is correlative to his ability to orchestrate the collective efforts of his people. In this section we want to analyze this concept of using the collective and concerted strength of the people--a concept frequently referred to as yung chung[1] 用衆 --and outline its role in and its relative value to the political theory of the "Chu Shu" chapter as a whole. While yung chung can be traced directly to a Fa-chia antecedent, its close association with non-Fa-chia elements, especially the notion of ke te ch'i yi 各得其宜 , makes a preliminary examination of the historical background to yung chung imperative. By first discovering what yung chung means in the earlier pre-Ch'in texts, we can then proceed to analyze the "Chu Shu" interpretation of this concept and determine how it reflects and how it diverges from its earlier implications. Since the "Chu Shu" chapter develops its political theory on an immediately identifiable Fa-chia framework, a comparison of the Han Fei Tzu's notion of yung chung with relevant portions of the "Chu Shu" chapter will be of particular interest.

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[1] M. Miyamoto (p. 9) refers to this concept as 積力衆智 . Hu Shih (p. 71) calls it 衆智衆力 . Hsü Fu-kuan (p. 142), following the Lü-shih ch'un-ch'iu, calls it 用衆 .

B. YUNG CHUNG IN THE LÜ-SHIH CH'UN-CH'IU AND HAN FEI TZU[2]

The expression yung chung refers to the specific policy of the ruler utilizing the collective physical and mental resources of the people as an alternative to relying upon his own personal energies or exploiting the extensive abilities of a few very capable men.[3] In other words, the starting point of this concept of yung chung is the not unreasonable conviction that the talents of the individual--of any individual--have their limitations.

The Lü-shih ch'un-ch'iu 4/9b asserts that the concerted strength of the people far exceeds that of even the most talented individuals:

故以衆舉無畏乎孟賁矣.以衆力無畏乎烏獲矣.以衆視無畏乎離婁矣.以衆知無畏乎堯舜矣.夫以衆者此君人之大寶也.

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[2]This notion of yung chung also occurs in the Kuan Tzu, but its occurrences are restricted to the "Hsing Shih Chieh" chapter which the Wei-shu t'ung k'ao p. 763 suggests is relatively late, and which Rickett p. 121 concludes was written subsequent to the Huai Nan Tzu--probably 1st C. B.C. Again, the two main passages in this chapter which discuss this concept of yung chung (3:36-6 and 3:42-3) have 聖人 for 衆人 in most texts, although most commentators insist that 聖 is a misreading of 衆. See Rickett p. 148 n120 for a discussion of this chapter.

[3]Apart from the occurrences of yung chung found in the Han Fei Tzu and Kuan Tzu, this expression is also used as a section heading in the Lü-shih ch'un-ch'iu. This concept of yung chung must be distinguished from the yung jen 用人 theme--(yung shih 用氏 in Lü-shih ch'un-ch'iu) --which also has some prominence in these early texts. This notion of yung jen refers to the effective employment of individual ministers, and in the Fa-chia tradition, involves principles such as:

a) accommodating a man's abilities in assigning him office
b) appointing an individual to a specifically defined office and making him responsible for the performance of carefully detailed duties
c) promoting and demoting officials on the basis of

> Therefore, using the concerted courage of the many, one does not stand in awe of even Meng Pen; using the concerted strength of the many, one does not stand in awe of even Wu Huo; using the combined vision of the many, one does not stand in awe of even Li Lou; using the combined wisdom of the many, one does not stand in awe of even Yao and Shun. Using the many--this is the great treasure of the ruler.

In the Han Fei Tzu exposition of yung chung, this principle of using the people follows from the Fa-chia rejection of reliance upon individuals of superior qualities. It denies the dependability of individual talents and, on the basis of impractibility, looks askance at the Confucian ideal of government by the sage-king.[4] The weaknesses inherent in exercising one's own abilities are clearly described (331:9):

> 力不敵衆.智不盡物.與其用一人.不如用一國.故智力敵而群物勝.揣中則私勞.不中則在過.下君盡己之能.中君盡人之力.上君盡人之智.
>
> The strength of the individual is not equal to that of the many; the intelligence of the individual cannot understand all things. It is better to employ an entire state than rely on one man. Therefore, where intelligence and strength are equal, the larger number will prevail. Where one succeeds, he will be personally exhausted; where he fails, he will be guilty of error. The inferior ruler makes full use of his own talents; the average ruler makes full use of the strength of others; the superior ruler makes full use of the intelligence of others.

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success or failure in carrying out prescribed duties

d) taking into account practical experience in the appointment of officials

See the "Yung Jen" chapter of the Han Fei Tzu and the "Yung Min" chapter of the Lü-shih ch'un-ch'iu.

[4] For example, in the "Nan Shih" chapter of Han Fei Tzu, a very practical observation is made (300:5):

> 且夫堯舜桀紂千世而一出.是比肩隨踵而生也.世之治者不絕於中.吾所以為言勢者中也.中者.上不及堯舜.而下亦不為桀紂.

Using historical examples of persons renowned for their exceptional wisdom or strength, the Han Fei Tzu 146:6 makes the point that even such famous exemplars of individual human talents are very much restricted by the fact that ultimately they are still only individuals:

> 故雖有堯之智，而無衆人之助，大功不立。有烏獲之勁，而不得人助，不能自舉。有賁育之強，而無法術，不得長生。
>
> Therefore, even with the intelligence of Yao, if one is without the assistance of the people, he will not accomplish great things; even with the strength of Wu Huo, if one does not get the assistance of others, he cannot lift himself up; even with the might of Meng Pen and Hsia Yü, if one is without laws or political techniques, he will not prevail for long.[5]

The Han Fei Tzu even goes so far as to criticize roundly the precursors of its own political thought for relying on individual ability rather than establishing a system whereby the strength of the people can be turned around and used to control them. Having censured Tzu-ch'an for exercising his own sagacity in discovering wrongdoers, the Han Fei Tzu 287:14 concludes:

> 且夫物衆而智寡，寡不勝衆，智不足以徧知物，故因物以治物。下衆而上寡，寡不勝衆者，言君不足以徧知臣也。故因人以知人，是以形體不勞而事治，智慮不用而姦得。
>
> Moreover, while things are many, an intelligent man is limited. Since the limited cannot prevail over the many, intelligent men cannot keep abreast of all things. Therefore, they must make use of things to govern things themselves. While subordinates are many, superiors are few. That the few do not prevail over the many means that the ruler himself cannot keep abreast of all his ministers. Therefore, he must make use of the people in order to keep informed on people. This being the case, without tiring his own person, affairs will be properly ordered, and

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This passage makes the point that sages are few and far between, and that political expedience would demand a theory of government operational under at least the average ruler.

without using his own intelligence, villains will be apprehended.

Again, Shen Pu-hai's insistence that an official should not offer information on matters beyond his office is overruled by the necessity of the ruler's having access to all information (Han Fei Tzu 305:15):

人主以一國目視故視莫明焉.以一國耳聽故聽莫聰焉.今知而弗言.則人主尚安假借焉.

Because the ruler sees with the eyes of the entire state, there is none who can see more clearly; because he hears with the ears of the entire state, there is none who can hear more keenly. Now, if those who know do not speak up, whose ears and eyes can he use?

The emphasis in this passage is again the necessity of keeping wholly informed in order to control and direct subordinates. Undoubtedly the passage which best illustrates this preoccupation with the ruler's control over the people is the following (Han Fei Tzu 258:13):

救火者.令吏挈壺甕而走火則一人之用也.操鞭箠指麾而趣使人則制萬夫.是以聖人不親細民.明主不躬小事.

In putting out a fire, were the fire chief to grab pots and jugs and run to the fire, he would have the use of only one man. If, on the other hand, picking up a whip and taking command he superintends the men, he will have legions under his control. Therefore, the sage does not join the rabble or personally undertake matters of little consequence.[6]

While the Han Fei Tzu does contain several passages which offer a seminal discussion of yung chung, it is the "Chu Shu" chapter of the Huai Nan Tzu which draws the various implications of this principle and integrates it into its political philosophy as one of its major

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[5] Following Liang Ch'i-hsiung I p. 209 in reading 生 as 勝.

[6] This passage also occurs in Han Fei Tzu 250:8, but most of the major commentaries are agreed that this is an erroneous interpolation. See Liang Ch'i-hsiung II p. 332.

concepts. The degree to which the author of the "Chu Shu" chapter is successful in expanding this principle and knitting it into his syncretic doctrine will become apparent in the course of our discussion.

C. YUNG CHUNG IN THE "CHU SHU" CHAPTER OF THE HUAI NAN TZU

Much of the "Chu Shu" chapter--especially 9/5a-12b--is devoted to a discussion of yung chung, treating it as one of the central concepts in its political thought. This portion of the text begins with the assertion (9/5a):

> 故得道之宗.應物無窮.任人之才.難以至治.
> For this reason, when one embodies the origin of the Way, he is never at his wits end in responding to things, but when he relies upon the talented, it is difficult to effect the highest orderliness.

As in the Han Fei Tzu, the "Chu Shu" representation of yung chung is grounded in a rejection of the efficacy of individual talents and ability. We have touched on this principle briefly in our discussion of wu-wei, citing a rather lengthy passage from 9/5a which insists that no one individual--not even a sage-ruler--can possibly be best in all things. And even when the ruler is unsurpassed in any one area, he still cannot match the combined strength of the multitude. This "Chu Shu" 9/5a passage concludes with the assertion:

> 智不足以為治.勇不足以為強.則人材不足任明也.
> Since human intelligence is not in itself sufficient to effect proper government and boldness is not in itself sufficient to prevail, it is clear that individual human talents cannot be relied upon.

Given this conviction in the inadequacy of individual human talents, the ruler's alternative and at the same time, his guarantee of certain success lies in orchestrating the collective energies of the people (9/5b):

> 故積力之所舉則無不勝也.衆智之所為則無不成也.
> That is to say, where concerted strength is applied it is equal to any task; where the intelligence of the many is employed, it will succeed in all things.

Now, this rejection of individual ability and insistence upon the exploitation of the collective strength of the people has its basis in the principle that in nature each particular has its own unique aptitude, function and value (9/5b):[7]

> 夫華騮綠耳.一日而至千里.然其使之搏兔.不如豺狼.使能殊也.
>
> Now, the two famous horses, Hua Liu and Lü Erh, would cover a thousand li in one day. But if one set them to catching rabbits, they would be outdone by a wild dog or wolf. This is because their skills and abilities are different.

Again, since each particular makes its own unique contribution, no one thing has any more value than any other (9/11b):

> 是故賢主之用人也.猶巧工之制木也.大者以為舟航柱梁.小者以為楫楔.脩者以為榱桷.短者以為朱儒柎櫨.無大小修短.皆得其所宜.規矩方員各有所施.天下之物莫凶於雞毒.然而良醫蒙而藏之.有所用也.是故林莽之材猶無可棄者.而況人乎.

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[7] For a similar principle, see for example Chuang Tzu 2/1/34 and 6/2/67.

In the "Yung Chung" chapter of the Lü-shih ch'un-ch'iu, we find an association between the concept of using the collective strength of the people and the fact that all individuals have their particular strengths and weaknesses. For example:

> 物固莫不有長.莫不有短.人亦然.雖桀紂猶有可畏可取者.而況於賢者乎.
>
> All things certainly have their strong points and their shortcomings. Man is the same....Even Chieh and Chou still had characteristics worth revering and adopting, how much more so the man of superior character.

The notion of having strengths and weaknesses is Confucian in as much as there is an assumed standard of excellence. Strengths and weaknesses exist only relative to a presupposed concept of what something should

> Therefore, the superior ruler in his use of men is like the skilled workman in the handling of his wood. Large pieces are used for boats and beams; small pieces are used for oars and joists; long pieces are used for eves and rafters; short pieces are used for gargoyles and decorative designs. All of these irrespective of their size find their niche, and all shapes of material have their application.
>
> Of all things in the world, nothing is as deadly as the herb, aconitum. And yet that a good doctor will put it in a pouch and keep it on hand is because it has its use. Even among the resources of nature's thriving forests there is nothing which can be discarded, how much less so in the sphere of man!

The effective ruler is able to recognize the potential of each individual and to co-ordinate his own expectations with the natural capacity and expression of the individual (9/8a):[8]

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be. When we turn to the "Chu Shu" chapter, this notion of strong points and shortcomings is replaced by an assertion that since the concepts of quality and value are relative to a given purpose, there really is no way of comparing things qualitatively. Thus, rather than suggesting that things have strong points and shortcomings, it simply contends that all things are different.

[8]The notion of ruling the people by accommodating the development and realization of their natures is not an attitude new to the Huai Nan Tzu. Rather, it is a succinct characterization of Taoist political philosophy. In effecting proper order in the human world, this attitude demands acknowledgement of and acquiescence to the natural condition (Chuang Tzu 32/12/72):

> 聖治乎.官施而不失其宜.按舉而不失其能.畢見其情事.而行其所為.行言自為而天下化.手撓顧指.四方之民莫不俱至.此之謂聖治.
>
> Sagely government? This is for the ruler in making his appointments to make no mistakes about suitability and in making promotions to make no mistakes about talent. It is being fully abreast of affairs and accommodating the activities of the people. His words and actions are for his own sake, and the world is transformed. With the wave of his hand or the nod of his head, the people from every direction will all come rushing to him. This is what is called "sagely government".

聾者可令唯筋而不可使有聞也.瘖者可使守圉而不可使言也.形有所不周而能有所不容也.
A deaf person can be made to pound the animal sinew used in covering bows, but he cannot be made to hear. A mute person can be made to work in the horse stables, but he cannot be made to speak. This is because their physical persons are not whole and their abilities have their limitations.

See also Lao Tzu 27 in which the ruler can find something of value in all men.

Characterized as yin 因 , this same attitude of accommodating the disparate natures and talents of individuals is one of the main tenets of Shen Tao's thought (see Thompson, fragments 32 and 33-35), and is probably in part responsible for the association of Shen Tao with the Huang-Lao tradition (see his Shih-chi biography). Although the term yin is not used in the Lao Tzu or Chuang Tzu to express the idea of complying with the natural aptitudes and direction of the people, in the Huai Nan Tzu it occurs frequently, both in basically Taoist chapters (1/5a and 1/9a):

是故天下之事不可為也.因其自然而推之.
For this reason, the affairs of the world cannot be actively undertaken. Only in according with what is natural to them can we advance them.

所謂無為者.不先物為也.所謂無不為者.因物之所為也.
所謂無治者.不易自然也.所謂無不治者.因物之相然也.
"Without activity" means not to be the first to act; "everything is accomplished" means accommodating what other things do; "without governing" means not altering what is natural; "everything is properly ordered" means accommodating the natural integration of things.

and in those parts of the text which have a much more Confucian sympathy (20/3b-4a):

聖人之治天下.非易民性也.拘繩其所有而滌蕩之.故因則大.化則細矣.....故先王之制法也.因民之所好而為之節文者也.因其好色而制婚姻之禮.故男女有別.因其喜音而正雅頌之聲.故風俗不流.因其寧家室樂妻子.教之

In terms of production, this means that the ruler is able to respond to individual talents in employing his people (9/5b-6a):

故古之為車也.漆者不畫.鑿者不斲.工無二使.士不兼官.各守其職.不得相亂.人得其宜.物得其安.是以器械不苦.而職事不慢.夭責少者易償.職寡者易守.任輕者易勝.上操約省之分.下效易為之功.是以君臣彌久而不相厭.

以順.故父子有親.因其喜朋友.而教之以悌.故長幼有序.....故先王之教也.因其所喜以勸善.因其所惡以禁奸.... 故因其性則天下聽從.拂其性則法縣不用.

The sage's governing the world is not altering the people's nature, but rather, this kind of government cleanses and restores it by encouraging and complying with it. Thus, if one accommodates there are sweeping accomplishments, whereas if one transforms these accomplishments are incidental....Therefore, the former kings in prescribing laws accommodated the likes of the people and regulated the laws to this end. Accommodating man's fondness for sex they established the ceremony of marriage. Hence there is the separation of the sexes. Accommodating his pleasure in music they arranged the sound of songs and eulogies. Hence customs and conventions are not arbitrary. Accommodating his security in the home and his pleasure in his wife and children they instructed him in getting along harmoniously. Hence there is the intimacy between father and child. Accommodating his happiness in friends they instructed him in fraternity. Hence there is the precedence of old over young....Thus, the teachings of the former kings accommodating that in which man found happiness encouraged goodness, and accommodating that which he disliked prohibited depravity....Hence, where the ruler accommodates man's nature, the empire will follow and obey; where he goes against man's nature, even if the laws are posted they will not be observed.

For a discussion of the concept of yin in the "T'ai Tsu" chapter, see Hsü Fu-kuan pp. 155-8. The principle of recognizing the diverse natures of the myriad things and their appropriateness to their respective environments is a recurring theme in the Huai Nan Tzu. In

> Thus it was that in ancient times in the construction of a carriage, the varnisher did not do the ornamental drawing and the engraver did not wield the cleaver. Artisans did not have divergent skills, scholars did not combine two offices. Each carried out his duties and was not allowed to interfere with others; each man achieved what was suitable to him and each thing found its place. As a result, their products were not of inferior quality and their duties were not neglected.
>
> Where duties are few they are easy to discharge; where responsibilities are limited they are easy to fulfil; where the burden is light it is easy to do one's part. With the ruler making only very limited demands and his subordinates presenting things easy to accomplish, sovereign and ministers will never become tired of each other.

When this principle is carried into the political sphere, it means that the effective ruler is adept at assigning administrative responsibilities which are commensurate with individual capabilities (9/8a and 9/11b-12a):

> 是故有一形者處一位.有一能者服一事.力勝其任.則舉之者不重也.能稱其事.則為之者不難也.
>
> Hence, one must occupy a position which corresponds to his physical form and discharge affairs which correspond to his abilities. Where one's strength is equal to the burden, he does not feel it difficult to raise; where one's ability is appropriate to his duties, he feels no difficulty in carrying them out.
>
> 人有其才.物有其形.有任一而太重.或任百而尚輕.是故審毫釐之計者.必遺天下之大數.不失小物之選者.或於大事之舉.譬猶狸之不可使搏牛.虎之不可使搏鼠也.今

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the "Ch'i Su" chapter we can identify the basic premise that cultural discrepancies are largely due to environmental conditioning. Following from this and related to the notion of yin is the assertion that the enlightened ruler is capable of recognizing and complying with both the natural and cultural inclinations of the different peoples under his domain. As Wallacker rightly observes (p. 13): "The sole criterion the essay has for determining the worth of a practice is whether it is fitting and appropriate to the circumstances."

人之才.或欲平九州并方外.存危國.繼絶世.志在直道正邪.決煩理繁.而乃責之以閨.閤之禮.隙窶之間.或俛巧小具.詣進愉悅.隨鄉曲之俗.卑下衆人之耳目.而乃任之以天下之權.治亂之機.是猶以斧劉毛.以刀抵木也.皆失其宜矣.

Each person has his talents and each thing has its disposition. There are some persons who are overburdened when entrusted with one affair, while there are others who are still comfortable when handling a hundred times as much. For this reason, a person proficient in making detailed calculations will certainly be lost on great computations; a person who does not neglect the promotion of small details will become confused in advancing great undertakings. This is the same as the fact that a badger cannot be made to pounce on an ox, and a tiger cannot be made to catch mice.

Now, here is someone who has the talent to want to bring peace to the world, bring together the territories beyond the frontier, rescue an imperiled state and revive a doomed age. He can concentrate his attentions on righting the administration, correcting disorder, settling intricacies and straightening out difficulties, and all you do is give him the responsibility for details of court ceremony and trifling affairs. On the other hand, here is another man who only has a glib tongue, is poorly endowed, flatters and fawns, and finds great pleasure in rhetoric. He follows vulgar customs and bends himself to please the eyes and ears of the common herd, and yet you entrust him with the pivot on which the order and disorder of the empire depends. This is like splitting a hair with an axe or using a knife to fell a tree--in both cases they are unsuited to their task.

Further, there is an assumption that where each particular is allowed to express its own natural potential without being distorted by external constraints, that these particulars will collectively function in a predetermined and integrated natural order. The ruler takes advantage of this principle by gauging his assign-

ments in such a manner as to make full use of any given individual without running counter to his natural propensities (9/8a):

> 毋大小脩短各得其宜則天下一齊無以相過也聖人兼而用之故無棄才.
>
> If irrespective of the specific characteristics of things, each thing is given what is suitable to it, then each thing in the world will be of equal value without anything surpassing another. Because the sage uses things collectively, there is no wasted ability.

Above in the first chapter of this thesis we pointed out that the concepts of shih 勢 and yung chung are complementary. The concept shih demands that the ruler take advantage of the political purchase available to his station rather than exercise control on the basis of his personal attributes and talents. This means that his shih as ruler entitles him to employ the full physical and intellectual resources of the state. By tapping the collective strengths of all his subordinates, the ruler acquires power and vision which go far beyond any individual or group which may challenge his authority. These two concepts are mutually dependent in as much as the ruler must yung chung in order to maintain his shih as ruler, and it is his shih as ruler which enables him to yung chung.

The "Chu Shu" interpretation of yung chung is also consistent with its Fa-chia-Taoist synthesis in the notion of wu-wei. In terms of the Fa-chia side of this synthesis, it is consistent with the ruler relying on the energies of his subordinates rather than exercising his personal skills. The rejection of reliance upon his own talents allows the ruler as an individual to remain aloof and beyond the knowledge of his subordinates. His own personal attributes and limitations are inconsequential to the effective operations of the state. In terms

of the Taoist contribution to the synthesis, this theory of yung chung with its corollary ke te ch'i yi accepts the fundamental Taoist conviction in the completeness of the actualized totality--the recognition that although on a particular basis, individual things have different and often seemingly antagonistic courses of development, as a whole they constitute an integrated natural order which requires no external interference or compulsion. It is consistent with the basically Taoist proposition that each thing has its unique value and that all things are thus on an equal footing in relation to the whole. This of course leads into the Taoist repudiation of value judgments and precludes the establishment of a scheme of values which, when applied, casts one man as a sage and another as a rogue. As such, it is incompatible with the Confucian notion of identifying and promoting men of superior talents. Rather, all men are used in accordance with their natural propensities.

The "Chu Shu" chapter's interpretation of yung chung is also consistent with its understanding of fa 法 ("laws"). As we will see below, the single most prominent feature which distinguishes the concept of fa outlined in the "Chu Shu" chapter from its Fa-chia precursors is the proposition that fa is grounded in what is congenial to the multitude (chung shih 衆適). Employing the people according to their respective aptitudes and relying on their collective strengths are principles which not only avoid contravening the basis of law, but which further are complementary to this concept of chung shih. In as much as fa follows from what is appropriate to the multitude and yung chung takes into account what is appropriate to each individual, there is an identifiable congruency between these two concepts.

D. A COMPARISON OF YUNG CHUNG IN THE HAN FEI TZU AND THE "CHU SHU" CHAPTER OF THE HUAI NAN TZU

It is probable that the Shen (Tao) Tzu, Lü-shih ch'un-ch'iu, Han Fei Tzu and Huai Nan Tzu expositions of yung chung are derived from the same source. We base this statement on the following observations:

1) there is a pool of historical-legendary figures from which all of these texts draw in order to illustrate the inefficacious nature of individual talents. This pool includes:

Wu Huo 烏獲 : Lü-shih ch'un-ch'iu 4/10b; Han Fei Tzu 146:6; Huai Nan Tzu 9/7b

Meng Pen 孟賁 : Lü-shih ch'un-ch'iu 4/10b; Han Fei Tzu 146:6

Yao/Shun 堯舜 : Lü-shih ch'un-ch'iu 4/10b; Han Fei Tzu 146:6

Li Lou 離婁 : Lü-shih ch'un-ch'iu 4/10b; Han Fei Tzu 146:6 (離朱)

Chieh 桀 : Lü-shih ch'un-ch'iu 4/10b; Huai Nan Tzu 9/5a

2) there is a recurring reference to a chih 智 and li 力 distinction: Han Fei Tzu 331:9, 146:6 and Huai Nan Tzu 9/5b, 7b, 8a, 12a-b.

3) there are several parallel passages:

a) Shen Tzu 8a: 故人主者以天下之目視以天下之耳聽以天下之智慮以天下之力動是以號令能下究而臣情得上聞百官修道群臣輻輳

b) Han Fei Tzu 305:15: 人主以一國目視故視莫明焉以一國耳聽故聽莫聰焉

c) Huai Nan Tzu 9/12a:
人主者以天下之目視以天下之耳聽以天下之智慮以天下之力爭.....百官修遠群臣輻湊

a) Han Fei Tzu 287:14: 智不足以徧知物.故因物以治物.下象而上寡.寡不勝衆者.言君不足以徧知臣也.故因人以知人.

b) Huai Nan Tzu 9/5a-b: 智不足以為治.勇不足以為強.則人材不足任明也.而君人者.不下廟堂之上而知四海之外者.因物以識物.因人以知人也.

While these texts may share a common source with respect to yung chung, they differ considerably in the relative weight given this concept in their respective political philosophies. In the Han Fei Tzu, the concept of yung chung does occur, but the primary aim of introducing this policy is to control the people rather than to exploit fully their concerted strengths. If, for example, we compare the Han Fei Tzu 287:14 and Huai Nan Tzu 9/5a-b passages cited above, we can detect a different emphasis in the two texts. The main thrust of the Han Fei Tzu passage is that the ruler must employ a system whereby the people are used to control the people. The Huai Nan Tzu, on the other hand, is interested in exploiting the people's natural wealth of talent and ability to the fullest possible extent.

In the Han Fei Tzu, the education and development of the people is frequently discouraged as a threat to the authority of the ruler. Division of labour is encouraged not because of a recognition and appreciation of variegate talents, but rather because division amongst subordinates is a necessary element in the exercise of control. While the "Chu Shu" theorist would suggest that a strong state is one in which each particular is allowed to achieve its own realization and to make its own unique contribution to the whole (i.e. a state in which the ruler follows a policy of yung chung that has been tempered by ke te ch'i yi), the Han Fei Tzu follows the Shang-chün shu in asserting that a strong state

is one in which the people are made weak. This "weakness" of the people gives the ruler the means to harness them and regulate their activities by a system of external constraints. This notion of harnessing the people is the Han Fei Tzu's concept of yung chung.

When all of the various implications of the Han Fei Tzu and "Chu Shu" attitudes are pulled aside, we can identify a fundamental difference in the starting points of these two systems of political thought. The Han Fei Tzu presupposes that man in his "natural" condition is a Hobbesian "savage animal", and that without government and direction, his world is destined to seeth with strife and contention. The ruler does not pick up the reins of state because he wishes to remedy this situation, but rather because he is intelligent enough to use the commitment of his fellow man to self-interest as a means of fulfilling his own interests. The "Chu Shu" chapter, on the other hand, demonstrates a very Taoist faith in the "natural" human condition. In the political theory of this chapter, and especially in the wedding of yung chung and ke te ch'i yi, there is a fundamental conviction that if each particular is allowed to follow the natural course of its development through to fulfilment, the result will be an integrated natural order. On a political level, this means that the ruler allocates his offices in such a manner as to take full advantage of individual talents while making every effort to avoid making demands on his subordinates which will distort their natural inclinations. Where the Han Fei Tzu ruler seeks to harness and control the energies of the people, the "Chu Shu" approach is one of accommodating the government to the natural expression of the people. Whereas the Han Fei Tzu ruler retains a tight control over his people, his "Chu Shu" counterpart is governed by what is appropriate to the devclopment of each indi-

vidual. He is not free to use the people as he likes, but rather must abide by the proclivities of the people. This is the principle of control over the power of the sovereign which pervades this chapter and which will become increasingly clear when we turn to examine the "Chu Shu" interpretation of fa (laws).

CHAPTER IV: FA 法

A. INTRODUCTION

In this chapter we propose to analyze the concept fa 法 as found in the "Chu Shu" chapter's political philosophy. As with the other concepts discussed above, we hope by careful scrutiny to discover to what extent the notion of fa found in this chapter reflects the pre-Ch'in traditions from which it has been drawn. Again, we want to identify any elements original to this text itself. Our first step in assessing the significance of fa in the "Chu Shu" philosophy is to determine its value in each of the three main schools of thought to which the Huai Nan Tzu succeeds. While over the years scholars have made various speculations regarding the development of this important term in Chinese thought, a general dissatisfaction with the limited results of their research has compelled us to re-examine the original sources in search of a clearer understanding of how this term evolved and what it came to connote in the early Confucian, Taoist and Fa-chia theory. Only in tracing the historical background of fa can we begin to identify the debt which the "Chu Shu" interpretation may owe to each or any of these three schools. In the course of tracing this historical background, we want to attempt to answer the following questions:

1. How was penal law and punishments represented in the texts prior to the emergence of the Fa-chia school of thought in the early 4th C. B.C.?

2. What did penal law mean in the mainstream of each of the Confucian, Taoist and Fa-chia traditions, and what was their respective attitudes towards it?

3. How was fa conceived of in relation to the central Confucian concept of li 禮?

4. In the Shuo wen, fa is defined as hsing 刑 --what in fact is the relationship between these two concepts?

5. What was the basis of fa in the Fa-chia tradition? Who or what determined the shape of the accepted code of penal laws?

At the outset, it is important to make it clear that while we intend to discuss the evolution of the character fa from its primary meaning of "model, to model, to imitate, method, standard" to encompass the notion of "penal law", this is not to say that prior to this extension in meaning, the early Chinese states lacked a concept of criminal law. On the contrary, scholars are generally in agreement that criminal law as an institution dates back far into antiquity, and is perhaps one of the earliest innovations of the proto-Chinese or, in fact, of any society.[1] With the gradual development and expansion of a written language from middle Shang times onward, and with the gradual emergence of more sophisticated methods of political administration, it is likely that some form of criminal law was articulated and written down.

The criticism directed at the engraving of penal laws onto tripods by Shu-hsiang and Confucius which is recorded in the Tso chuan would imply that penal law up until the 6th C. B.C. had been the property and responsibility of the ruling classes. It was their birthright to receive (in what form we do not know), interpret, apply

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[1] For example, Hu Shih in his Chung-kuo ku-tai che-hsüeh shih p. 86 warns against assuming that the notions of fa and hsing fa 刑罰 are synonymous, pointing out the relatively late date of the former as opposed to the ancient origins of the latter. Since society itself is often defined in terms of social contract, it follows logically that violation of this contract by any member would result in some form of retaliation by the other members of the group.

and in turn pass on the laws of their forebearers. The fact that the ruling classes embodied the laws was an important element in the maintenance of the class structure. It entitled them to the respect and obedience of the common people while demanding from them the expertise necessary to hear litigations and pass judgments.

In the Shu-hsiang letter,[2] a parallel is drawn between the articulation and inscription of Tzu-ch'an's law code and the compilation of the "Yü Hsing 禹刑 " of Hsia, the "T'ang Hsing 湯刑 " of Shang and the "Chiu Hsing 九刑 " of Chou. The implication is that, like Tzu-ch'an's code, these earlier law codes were fixed. If and when they came to be written down is difficult to determine.[3]

By the middle of the 6th C. B.C., the details of penal law had become public knowledge with the bronze inscriptions of first Cheng and then Chin.[4] These were followed by the Fa-ching 法經 of Li K'uei 李悝 (also known as Li K'o 李克 and Li Li 李離) (455-395 B.C.). According to the "Hsing-fa chih" of the Chin-shu, this text of Li K'uei constituted the beginnings of codified law, and was itself based on a selection of statutes taken from the various Chinese states. It was this code of Li K'uei which formed the basis of Shang Yang's notor-

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[2]For a fuller discussion of this letter, see "The Confucian Tradition" below in this same chapter.

[3]That hsing 刑 was used to represent a fixed and tangible code of laws is borne out by its usage in the Tso chuan. For example, in 501 B.C. (Tso 453/定 9/附 2):

> 鄭駟歂殺鄧析而用其竹刑.
> Ssu Ch'uan of Cheng killed Teng Hsi and used his bamboo criminal code.

[4]Tzu-ch'an was the first to inscribe written laws onto a pair of tripods in 536 B.C. with his famous Hsing Shu 刑書 (Tso 360/昭 6/附 1). This was followed by Fan Hsüan Tzu 范宣子 of Chin in 513 B.C. (Tso 430/昭 29/附 5).

ious system of administration by intimidation. The criminal law of Shang Yang became the framework for the penal codes of the Ch'in and then Han dynasties. From our appended examination of Western Chou and Ch'un-ch'iu texts,[5] we have deduced that the earliest notion of penal law in Chinese literature was most frequently subsumed under the term hsing 刑, and that it only came to be called fa at a much later period. On the basis of this examination, we have been able to construct the following hypothesis:

1) The vast majority of occurrences of the character fa in early texts would indicate that prior to the rise of the Fa-chia tradition, the character fa was used to convey the meaning of "model", "to model" or "standard". Only well into the Warring States period when the Fa-chia theorists had taken over this character and injected it with their own meaning did it come to connote "criminal law".

2) Prior to the evolution of the character fa to cover the notion of "criminal law", this idea was commonly expressed by the character hsing which meant basically "punishments" or "to punish", and by extension, "criminal law".

Leaving a detailed analysis of the use of fa in pre-Fa-chia literature to our Appendix II, we will proceed on the basis of the above hypothesis to examine the place of criminal law in each of the three major schools of thought.

B. THE ATTITUDE TOWARD "CRIMINAL LAW" IN THE THREE MAJOR PRE-CH'IN PHILOSOPHICAL TRADITIONS AND ITS ROLE IN THEIR RESPECTIVE DOCTRINES

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[5] See below Appendix II: The Concept of Criminal Law and the Character fa 法 in Early Texts Prior to the Emergence of the Fa-chia.

1. THE TAOIST TRADITION

a) LAO TZU

Because the Lao Tzu does not deal with penal law directly, it is necessary to proceed from its general attitude towards government and extrapolate on this basis. The attitude of the Lao Tzu to government is summed up in the Chapter 75 passage:

民之難治.以其上之有為.是以難治.
Difficulties in governing the people
Occur because of the activity of their superiors.
This is why they are difficult to govern.

This "activity (yu-wei 有為)" of those in political control is diametrically opposed to the concept of "non-action (wu-wei 無為)" which was discussed in Chapter II above. Lao Tzu did not see laws and political regulations as the embodiment of objective and universal standards of basic human rights adopted by society as a means of preserving social order and cohesiveness. In fact, given the historical context of the Lao Tzu, this would have been a naivety unworthy of the author of this text. Rather, he saw laws and regulations as a device employed by various interest groups to consolidate an advantageous position and achieve their selfish ends. There was little association with popular justice. His characterization of the government of his time reflects his despair and his outrage (Chap. 53):

朝甚除.田甚蕪.倉甚虛.
服文綵.帶利劍.厭飲食.財貨有餘.是謂盜夸.
Their (the rulers') court is utterly rank with corruption,
The fields are wholly overgrown with weeds,
And the granaries are completely empty.
Their clothing is ornate and embroidered
And on their belts hang sharp swords;
They are gorged with food and drink
And their riches and possessions far exceed

their needs.
They are what are called the ringleaders of brigands.

Given the Lao Tzu's rejection of any notion of universal morality, any laws or enactments are regarded simply as being relative to the interests of those who would impose them on the society at large. They are seen as the imposition of unnatural and inhibiting constraints on the spontaneous development and realization of the many in order to serve the purposes of the few in power. As such, they are nothing short of "a form of aggression on the nature of man."[6] With laws and regulations constraining the natural expression of the people, a tension develops between the oppressive directives of political authority and the people's impetus for natural development. The government introduces increasingly severe measures to cope with this tension which in turn leads to an increasingly strong reaction from the people. This spiral of self-fueling social decline is described in Chapter 57:

天下多忌諱而民彌貧.朝多利器國家滋昏.
人多伎巧.奇物滋起.法令滋彰.盜賊多有.

The more restrictions and prohibitions in the empire,
The deeper will the people sink into destitution;
The more sharp weapons possessed by the court,
The deeper will the nation sink into disorder;
The more dexterity and adroitness among the craftsmen,
The more extensive will be the production of nefarious creations;
The more overt the laws and decrees,[7]
The more prevalent will be the thieves and brigands.

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[6] H. Welch, Parting of the Way p. 26.

[7] If our hypothesis that the "law" dimension of the character fa as suggested in this passage is a later extension of its original meaning, the implication is that this passage as it stands is relatively late--at least later than the emergence of the Fa-chia. Given the nature of the Lao Tzu as a collection of epigramatic and pithy statements, it was probably in a fluid state for some

Thus it is that all overt and "active" measures to effect social order only serve to hasten its disintegration. When government measures reach an extreme of oppression and brutality and the tension between political constraint and natural development becomes unendurable, the people, in spite of the obvious threat of death, rise up to destroy the source of this tension. The condemnation of capital punishment as a means of political control is a major theme in the Lao Tzu (Chapters 72 and 74):

民不畏威.則大威至.
When the people no longer fear the authority (of those who govern them),
Then great calamities will erupt.

民不畏死.奈何以死懼之.....常有司殺者殺.而代司殺者殺.是謂代大匠斲.夫代大匠斲者.希有不傷其手者矣.
If the people do not fear death,
How can death be used to intimidate them?
...There is always the executioner who carries out the capital sentence.
Now, to substitute for the executioner in putting others to death--
This is called substituting for the master carpenter in cutting wood.
Now, among those who would substitute for the master carpenter in cutting wood,
There are few indeed who escape injuring their own hands.

A government which has found it necessary to implement severe and cruel punishments has both instigated the process of decline which requires these desperate remedies, and at the same time has rendered these measures

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time before it was edited into its present form. This occurrence of fa could have been inserted relatively late. Again, this is the only example of this usage of fa in the text (in Chap. 25 it means "to model", "to imitate"). While the above version of this phrase is admittedly the most widely accepted, it should be noted that there is an alternative version (Ho-shang Kung) which has 法物滋彰, interpreting this as: "The more display made of precious things, the more prevalent will be the thieves and brigands."

impotent as a means of realizing social order. Capital punishment is itself the death knell of the authority which imposes it on the people.

The obvious inconsistency of law and punishments as a means of effecting political control with the general tenor of Lao Tzu's thought does not lend credence to the traditionally accepted hypothesis that the Fa-chia has its roots in Taoist thought. The contents of the Lao Tzu and Fa-chia theory are at variance on their respective conceptions of fa. While a discussion of the source of the popular association between the Taoist and Fa-chia traditions goes beyond the scope of this thesis, we would suggest that Shen Tao as described in the "T'ien Hsia" chapter of the Chuang Tzu and the "Chieh Pi" chapter of the Hsün Tzu looms forward as a very suggestive figure in explaining this puzzle.[8]

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[8]The expression "Fa-chia" is used to refer to such a disparate group of theorists and such a broad spectrum of ideas that it very frequently needs qualification. Again, as Creel in Shen Pu-hai p. 140ff. suggests, even the character fa under discussion here may have had a different significance in the thought of Shen Tao and Shen Pu-hai than it had for Shang Yang and Han Fei Tzu. This is certainly borne out by our analysis of the historical development of this concept in Appendix II. It is very possible that it is the thought of Shen Tao (and perhaps Shen Pu-hai) in which fa might not have even connoted "penal law" which is the source of the earliest association between the Fa-chia and Taoist traditions. Yang Hung-lieh pp. 69-71 follows Takeuchi Yoshio in his Rōshi shin kō in suggesting that there is much in the Lao Tzu which came to influence the development of the Fa-chia. They date Lao Tzu as having been compiled during the several decades between the reigns of King Lieh of Chou (r. 375-68 B.C.) and King Hsien of Chou (r. 368-320 B.C.). Takeuchi makes the assertion that the doctrine of the Fa-chia originated with Lao Tzu, and that the first person to move from Taoism to Fa-chia was Shen Tao (c. 350-275 B.C.). Yang Hung-lieh considers the following chapters of the Lao Tzu to contain ideas similar to the central concepts of Shen Tao: Chapters 3, 18, 19, 20, 48, 64 and 65. There is also a passage in the Yi-lin 2/15b attributed to Shen Tao which is very similar to Lao Tzu 18:

b) CHUANG TZU

In discussing punishment and penal law in the Chuang Tzu, we follow the widely accepted opinion that only the seven nei p'ien (inner chapters) can be attributed to Chuang Tzu himself.[9] As has been mentioned in Chapter II above with reference to the concept of wu-wei, the primary concern of the nei p'ien is the individual attainment of the Way and the resulting enlightened state of mind. Socio-political problems are at best incidental.[10] On the basis of the assertion that all social mores are relative, we can deduce that since law is usually based on some notion of morality, Chuang Tzu would regard law as arbitrary and inhibiting.[11] Again, one persistent theme in this nei p'ien section is the desire to live out one's natural span.[12] While Chuang Tzu would not ascribe any intrinsic value to the arbitrarily proclaimed laws which embody arbitrarily conceived moral standards, there is more than a hint in these nei p'ien that Chuang Tzu would recommend an intelligent conformity to prevailing conditions and

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The last two phrases of this Shen Tao passage are probably commentary, being identical with Lao Tzu 18. For further discussion, see Takeuchi's Chūgoku shisō shi pp. 72-75.

[9]The fact that although fa occurs some 34 times in the Chuang Tzu text as a whole, it does not refer to "penal law" in any of the four nei p'ien occurrences while it does in some of the remaining occurrences would support the contention that the nei p'ien date from an earlier period, perhaps prior to the spread and popularization of Fa-chia ideas.

[10]The opening portion of Chapter 7 is perhaps an exception, but even here the prescribed method for proper government is simply the personal attainment of the Way.

standards.[13] The chen jen 真人, while aware of the fundamental emptiness of socially imposed regulations, does not flagrantly violate these rules and endanger himself.

Perhaps one further point worth mentioning with respect to these seven nei p'ien is the fact that, as A.C. Graham observes, "the Inner chapters have as fantastic a menagerie of invalids as the Gospels, but the viewpoint is quite different; they are seen quite without pity and with the same interest and respect as princes and sages."[14] Many of these invalids are the victims of mutilating punishments--frequently the removal of a foot. Even though they have been thus served by the exercise of penal law, they are more often than not the representatives of the enlightened sage. This being the case, we must assume that Chuang Tzu did not regard the contravention of penal law as grounds for disqualifying a person from the attainment of the highest awareness.

There is a second portion of the Chuang Tzu which we might consider with regard to its attitude towards penal law and punishments: what Graham refers to as the "Primitivist documents".[15] These chapters, quite

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[11] Whereas law is usually based on some notion of morality, there are cases in which it is grounded in a set of standards which have little seeming relationship with moral principles. The Fa-chia is an example of such a case, where the arbitrary whims of the ruler constitute the single and exclusive standard of right and wrong.

[12] See, for example, Chapter 4 and the dialogues between Yen Hui and Confucius, Yen Ho and Ch'ü Po-yü and the anecdote about Tzu-kao, Governor of She.

[13] See, for example, 16/6/17.

[14] A.C. Graham ms. p. 15.

[15] Graham includes the first three wai p'ien (Chapters 8-10) and the first part of Chapter 11 (11/1-28) in what

unlike the nei p'ien, concern themselves with social and political problems, and contain some passages actually echoing and much reminiscent of the Lao Tzu. One theme which these Primitivist chapters share with the Lao Tzu is the "decline" theory of history,[16] an interpretation of history which not only holds that the state of untrammeled ignorance and uncorrupted natural chaos is to be preferred over acquired wisdom and unnaturally imposed order, but which further condemns present-day government for the laws, taxes and corruption which represent nothing more sanctified than the sacrifice of the well-being of the many for the comfort of the few. This "decline" theory of history, having condemned modern civilization, is positive in exalting high antiquity and its primitive simplicity as the ideal.

The last section of the "Ma T'i" chapter depicts an idealized and romantisized village society of high antiquity, slumbering in simplicity eons away from the degenerate influences of culture and civilization. Laws, as one element in the trappings of civilization, are to be rejected along with the contrived morality and artificial social norms of the so-called sages. In the "Ch'ü Ch'ieh" chapter 24/10/24, it states clearly:

> 殫絕天下之聖法而民始可與論議.
> Only when you have completely obliterated the sagely laws of the world can you begin to communicate with the people.

Laws together with tallies, seals, measurements, scales

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he considers to be a homogeneous portion of the Chuang Tzu which was probably written "...within a few years on either side of 205 B.C." (p. 32). He interprets this portion of the text as "...one of the earliest datable witnesses (with Han Fei tzu) to the sudden and extraordinary impact of Lao-tzu when it began to circulate in the late 3rd. century B.C....Probably we should think of the Primitivist as an exponent of Lao-tzu's ideal of government, only incidentally interested in Chuang-tzu." (p. 32).

[16] See Chapter VI below.

and all such proud achievements of civilization are condemned as contrived and unnatural innovations which have been responsible for the corruption and decay of man's original nature. In "Tsai Yu" 25/11/7 it states:

自三代以下者，汲汲焉終以賞罰為事，彼何暇安其性命之情哉。

Since, with much clamour and ado, the rulers from the Three Dynasties on have always relied upon rewards and punishments, how could the people have any time to find contentment in their inborn natures?

c) SUMMARY

As we observed at the beginning of this section, although the Taoist texts do not deal specifically with the question of penal law, it is possible to make informed speculation on the basis of their attitude toward government in general. To restate our interpretation of the Taoist position on law summarily, the attitudes of Lao Tzu and Chuang Tzu are generally consistent[17] in that they both hold that law is not only one facet of the sham called culture and civilization, but further, that it is contrary to the notion of wu-wei and inimical to the natural development and collective realization of the individuals residing within its jurisdiction.

2. THE CONFUCIAN TRADITION

a) CONFUCIUS

In researching the attitude of the Confucian school to penal law, we have found that there is a group of

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[17] See Chapter II: Wu-wei note 18 above with respect to the Chuang Tzu. Because it is a composite text representing several diverse and often incompatible schools of thought, it can only be cited with some qualification

prominent and highly respected scholars who share an interpretation which is not wholly consistent with our own. Some of the main features of their interpretation can be summarized as follows:

1) Confucius and his early followers advocated a policy of social order through moral education which sought to inculcate the principles of li 禮 into the minds of the people. They regarded penal law and punishments as being inconsistent with the rules of li, and as such, voiced opposition to penal law generally and to the publication of penal laws specifically. The basic attitude of Confucius and his early disciples to penal law and punishments was one of undisguised hostility.[18]

2) Gradually the Confucians became resigned to the necessity of penal laws and punishments to the extent that the "belief that punishments were supplementary to virtue and moral influence became quite popular among Han Confucianists."[19]

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as to which particular tradition of thought is being discussed.

[18] See D. Bodde, C. Morris, Law in Imperial China, pp. 17-18; T.T. Ch'ü, Law and Society, pp. 226-279; Hu Shih, Chung-kuo ku-tai che-hsüeh shih, pp. 87ff.; Yang Hung-lieh, Chung-kuo fa-lü ssu-hsiang shih, pp. 47-51; Wu Ching-hsiung, Fa-lü che-hsüeh yen-chiu, pp. 67-8; D. Munro, The Concept of Man in Early China, pp. 110-12. In listing three Confucian arguments against penal law, Munro cites two quoted from Shu-hsiang's letter in Tso Chao 6. While Munro states very specifically his conviction that the early Confucians opposed penal laws as a means of social control (p. 110), he seems to be aware of the conflicting textual evidence when he backs up and states: "It should be noted that Chou Confucians did not totally reject penal law and 'punishments', but sometimes acknowledged their supplementary role as a control technique." (p. 112). V. Rubin, Individual and State in Ancient China p. 65 (see also pp. 18-20): "I noted above that Confucius opposed publication of the laws. Believing that successful government depended exclusively on the moral qualities of

While we do not have the space here to dispute this interpretation in any real detail, we would suggest that this thesis is anachronistic in as much as it assumes that Confucius registered a contrast between penal law and li which was not in fact developed until several centuries after Confucius to challenge the emerging Fa-chia school. It would be our contention that in both the Confucian and Fa-chia traditions, penal law and social customs were not seen as necessarily antagonistic notions, but were rather regarded as complementary elements in both the Confucian and Fa-chia conceptions of effective government.[20] This assertion is

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the leader, he asserted that penal laws (and these were the form of the oldest legislation in China) were not necessary and could only bring harm."

[19]See T.T. Ch'ü, Law and Society, p. 271.

[20]It would seem that the major flaw in this interpretation of the political philosophy of Confucianism in contrast to that of the Fa-chia is the basic assumption that penal law and li are somehow mutually exclusive. It is suggested that Confucian doctrine advocated only li while rejecting penal law and its attendant punishments. It is further suggested that the Fa-chia position was an absolute commitment to penal laws and punishments to the total exclusion of social norms. This interpretation of Confucianism = li and Fa-chia = penal law, while certainly simplifying matters, is in our opinion too easy.

Hsiao Kung-ch'üan in his Chung-kuo cheng-chih ssu-hsiang shih I pp. 79ff. makes a rather interesting observation with respect to the notions of li and fa, and the confusion which arises between these. He suggests that both li and fa have a narrow and a broad sense. The narrow meaning of fa (which is the same as the broad meaning of hsing 刑) refers to statutes for hearing litigations and passing judgments. The narrow meaning of li, on the other hand, is a reference to a specifically designated code of rites and ceremonies governing social institutions. At this narrow level, there is little if any confusion between these two concepts. In the broader sense, however, fa and li both refer to a system for administering government and regulating the people. This overlapping apparent in the broader connotations of these two concepts arose as a result of changing con-

borne out in the following assessment of Confucius' attitude toward penal law and punishments based on an analysis of pertinent passages in the Lun-yü and Tso chuan.

Looking at the Confucius depicted in the Lun-yü, the clear impression is that he advocated government by moral suasion and example as the core of his political philosophy. This emphasis on education and moral

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ditions in Chinese society. Society had at one point based its structure and its fabric of social relations on a clan system, and had simply projected this structure onto the various social institutions. There came a time, however, when the clan system gave way to feudal society and the powers-to-be found it necessary to replace the notion of ch'in ch'in 親親 with one of kuei kuei 貴貴 . The designation li was retained, and the newly emerging system also came to be called li. But the scope and content of this new system of li was much broader and more complex than that which had served the clan, and thus came to overlap the broader aspects of penal law.

Thus, in the early clan society we have two clearly defined concepts--penal law (fa) and regulations governing rites and ceremonies (li). With the rise of feudalism, the penal laws gradually became more complex and comprehensive, covering ever-increasingly complicated relationships and institutions. At the same time, li were expanded and elaborated upon in response to the new social structure. It was in the gradual inflation of these two concepts of fa and li that the demarcation and distinction between them became hazy and blurred.

Since li eventually came to embody the total spectrum of social norms, customs and mores, and since penal laws can only be devised and enacted on the basis of some prevailing morality, the seam which binds these two notions becomes immediately identifiable. Further, the interpretation outlined above implies a conviction that the Fa-chia's establishment and enforcement of penal law precludes the system of li. In the Fa-chia state, li are still necessary to order the society and to give it a vertical and horizontal structure, but where an individual comes into conflict with the law, existing li are superseded by the demands of the law. Without li, the Fa-chia state would be devoid of social distinctions. How would one man act towards another? What would the reward of rank mean if it implied no increase in social status? The Fa-chia position is not an across-the-board replacement of li with fa, but rather a conviction that

uplifting, however, did not prevent the practical Confucius from assigning penal law a place in his political thought as an unfortunate but necessary backstop for this moral education. Confucius, like Mencius after him, was equalitarian in theory, but in practice still clung to typically feudal distinctions with respect to social status (14/8/9):

> 子曰：民可使由之，不可使知之。
> The Master said: Common people can be made to do something but not to understand why.

In the 6/4/11 contrast between the noble man and the inferior man:

> 君子懷刑，小人懷惠。

attention to penal law rather than the exercise of special privilege is registered as a characteristic of the ideal man. Again, there is the 2/2/3 passage:

> 道之以政，齊之以刑，民免而無恥；道之以德，齊之以禮，有恥且格。
>
> Lead the people with governmental policies and regulate them with penal law, and they will avoid conflict but be without a sense of shame. Lead them with virtue and regulate them with social norms, and they will have a sense of shame and moreover seek to do what is good.

In this passage, political leadership based exclusively on regulation and law is contrasted with leadership based on example and moral education. This passage is all too frequently interpreted as offering two alternatives for government.[21] The thrust of this statement, however, is that political policies and penal laws are

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li alone are not sufficient to achieve the Fa-chia objectives of strong state and political stability, and based on this conviction, an insistence that li be supplemented with a very comprehensive system of penal laws.

[21] As Ch'en Ta-ch'i in his K'ung Tzu hsüeh-shuo p. 303 observes, whereas cheng 政 and hsing 刑 are listed together and certainly contrasted with te 德 and li 禮, the distinction being made between these two attitudes towards government lies in the fact that the former is more

not in themselves a sufficient basis for the highest form of political leadership. To achieve truly effective and long-lasting government, moral education must receive priority, and only where it proves ineffectual should laws and regulations be applied. The relationship between moral education and the fair application of punishment is made clear in 25/13/3:

> 事不成則禮樂不興禮樂不興則刑罰不中.
> If affairs are not accomplished, social norms and music do not prosper. If social norms and music do not prosper, punishments and penalties will not hit the mark.

The li ("social norms") are conceived of as a system of regulations which serve the distinctions in a clearly defined feudal hierarchy. Their main function is to divide and separate. Music, on the other hand, is a harmonizing and symphonious influence. Its function is to facilitate social cohesion and concordance. This passage relates well to the Confucian commitment to the moral instruction of the people as the primary function of the state. Where the principles of li have been inculcated in the people by education, then and only then will punishments be extended to those who deserve them. As it states in 41/20/2:

> 子曰: 不教而殺謂之虐.
> The Master said: To execute men without having instructed them is called brutality.

When properly applied, social norms and punishments are seen as two complementary rather than conflicting elements both conducive to a properly ordered society.

In addition to the passages cited above, scholars frequently make reference to the following statements in their discussion of Confucius' attitude toward penal law (24/12/19, 25/13/11, 23/12/13):

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temporary and expedient, simply forcing the people into a regulated mode of conduct. The latter attitude, on the other hand, is permanent and enduring in as much as it teaches the people to want to pursue a moral course of behaviour. While these methods differ in terms of

季康子問政於孔子曰.如殺無道以就有道.何如.孔子對曰.子為政.焉用殺.子欲善.而民善矣.

Chi K'ang Tzu asked Confucius about government, saying: "How about if I kill those without the Way in order to encourage those with the Way?" Confucius replied: "You are the government. Why must you use killing? If you want to be good, the people will be good!"

子曰.善人為邦百年.亦可以勝殘去殺矣.誠哉是言也.

The Master said: Where good men ruled a state for one century, they could transform the violent and dispense with killing. How really true these words are!

子曰.聽訟吾猶人也.必也.使無訟乎.

The Master said: In hearing litigations, I am as good as anyone. What we must do is make it so there are no litigations!

Contrary to the assertions of some scholars,[22] these passages do not represent a total rejection of corporal punishment. Confucius does not regard execution as an inappropriate punishment for murder. Rather, his conviction is that where moral government is practiced and people are made morally responsible, they will not commit murder. As for the few incorrigible villains who will not be moved by moral teaching, however, society should eliminate them.

The attitude of Confucius to punishments and penal law which can be pieced together from the Tso chuan is not inconsistent with our analysis of the Lun-yü passages above. In the famous case of Tzu-ch'an casting tripods and inscribing laws on them and Shu-hsiang's bitter de-

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lasting effect, because they can be applied to different people with the result of syncrenizing their conduct, Ch'en insists quite rightly that they are to be interpreted as being complementary. See Ch'en, pp. 303-5 and Yang Hung-lieh, pp. 47-51.

[22]W.T. Chan in his Way of Lao Tzu p. 231, for example, interprets 24/12/19 as Confucius' opposition to capital punishment.

nunciation of the act, it has been suggested that Shu-hsiang's letter to Tzu-ch'an represents a very "Confucian" (though pre-Confucius) position with respect to law.[23] Yet whenever Confucius mentions Tzu-ch'an in the Tso chuan,[24] he has nothing but adulation for him, praising him as:[25]

足以為國基矣.

Shu-hsiang is also praised--praised for his fair and impartial application of the country's laws![26] In the 403/昭 20/附 7 passage, Confucius, commenting on the administration of the government after the death of Tzu-ch'an, insists upon the necessity of both "mildness (寬)" and "severity (猛)" in government. Only a blending of these two elements will result in effective political control and administration. While Confucius has moral government and a state free of crime and litigation as his ideal, he is at the same time very conscious of the time and effort necessary for man to approach this ideal. In the Lun-yü 25/13/11, for example, he suggests that good men in government would still need a century to instill their moral precepts in the people to the extent that they would no longer have occasion to apply the death penalty. In progressing from the political turmoil of his own age to the realization of his ideal state, Confucius was convinced that moral education and punishments had a role to play. In Tso chuan 483/哀 11/附 2, Confucius asserts that the only alternative to compliance with laws is disorder and chaos.

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[23] D. Bodde, Law in China pp. 16-7: "Although Shu-hsiang himself cannot be formally counted a Confucian, his letter nevertheless epitomizes what may be termed the 'purist' Confucian view of law."

[24] See 336/襄 31/附 7, 385/昭 13/左 5, 403/昭 20/附 7.

[25] Confucius expresses a similar opinion of Tzu-ch'an in the Lun-yü. See 8/5/16 and 27/14/9.

[26] See Tso chuan 387/昭 14/附 4.

Undoubtedly the most problematic passage in the Tso chuan with respect to Confucius' attitude toward penal law is the 430/昭29/昭5 passage in which Confucius objects to the laws of Fan Hsüan Tzu being inscribed onto tripods in 513 B.C. It is the similarity of this passage to the Shu-hsiang letter to Tzu-ch'an which has encouraged scholars to associate the attitudes of Confucius to penal law with those of Shu-hsiang.[27] H.G. Creel does not[28]

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[27] See D. Bodde, Law in China p. 16 n31; J. Needham II p. 531. While the Shu-hsiang and Confucius passages are similar in as much as they are both critical of the inscription of laws on the bronze ceremonial ting, the reasons for their objections are somewhat different. Shu-hsiang's main criticism is that penal law once articulated and fixed still cannot cover all eventualities, and can be manipulated by unscrupulous people to serve their own ends. The existence of such a code will increase litigation and turn the focus of traditional law from justice based on moral precepts to victory based on clever argumentation. Law becomes a device for the wrongdoer rather than a guarantee for the honest man.

Confucius, on the other hand, objected to the inscription of Fan Hsüan Tzu's laws on the ting because such an action undermines the social and political hierarchy which structures the state. It is important to note here that Confucius fears that both common people and persons of high social status will be deflected from their respective obligations by the importation of value to the tripod. Hitherto penal law and its interpretation had been the property and responsibility of the ruling elite. Further, that the ruling class had been able to maintain its position was in part due to the respect that this hereditary birthright had fostered in the common people. Now to inscribe these laws on the bronze tripods was to take the laws out of the hands of the governing class and divest them of one important claim to authority. This is tantamount to purposely clouding the distinction between noble and base and challenging the existing social structure. This Confucius would not do.

[28] H.G. Creel, Origins of Statecraft p. 162 n8. "Both of these philosophical disquisitions (the Shu-hsiang and Confucius passages) look as if they could be scholarly additions to the text, such as certainly are present in the Tso-chuan. The two are remarkably similar. The latter one is put into the mouth of Confucius, where

accept the Tso chuan attribution of this passage to Confucius, asserting that "it is completely at variance with the whole tenor of everything that we have reason to believe to be his philosophy." We would not agree with Creel here. Like Tu Kuo-hsiang,[29] we do not find the thought contained in this passage to be inconsistent with Confucius' general sentiments. After close examination, we would make the following assertions:

1) Confucius is not objecting to penal law here. Rather, he is objecting to a bad concept of laws--those promulgated by Fan Hsüan Tzu at the spring hunting ceremony--to supersede a good system of laws--those established by the son of King Wu of Chou and continued by Duke Wen of Chin.

2) Confucius objects to the inscription of the laws onto a tripod because he fears that the tripod, an object of potentially enormous value, will become an object of reverence rather than those who embody the law.

To conclude, there is no portion of the Tso chuan which can be fairly construed as a Confucian rejection of penal laws. On the contrary, consistent with our picture of Confucius abstracted from the Lun-yü, there is every reason to believe that Confucius regarded penal law as a necessary albeit subordinate aspect of proper government.

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it is wholly out of place....I have shown the dubious character of these two passages in detail, in a paper entitled 'Legal Institutions and Procedures During the Chou dynasty,' to be published shortly."

[29] See the chapter "Chung-kuo ku-tai yu li tao fa te ssu-hsiang pien-ch'ien" p. 127 in Tu Kuo-hsiang's Hsien Ch'in chu-tzu te jo-kan yen-chiu.

b) MENCIUS

Perhaps the most striking feature of an analysis of Mencius' attitude toward punishments and penal laws is the degree to which he echoes the sentiments expressed by Confucius. Like Confucius before him, Mencius is committed to the ideal of a political administration based on the observance of universal moral principles (yi 義)--what Mencius calls "benevolent government jen cheng 仁政". Implicit in this notion of jen cheng is the basic Confucian principle that the ruler and the higher echelons of government exert themselves in nurturing and perfecting their individual moral natures, and the ordinary people, cognizant of and naturally sympathetic to the moral realization of their superiors, take them as their models and emulate their conduct.

Whereas Mencius insists that all men have the natural potential of realizing their moral endowment,[30] as the product of a highly structured feudal society with clearly delineated social distinctions, he still clings to the undemocratic yet perhaps realistic position revealed in the famous passage (20/3A/4):

> 故曰.或勞心.或勞力.勞心者治人.勞力者治於人.
> Thus it is said: Some people labour with their minds while others labour with their backs. Those who labour with their minds rule; those who labour with their backs are ruled....

Theoretically Mencius is equalitarian, but in practice he is still convinced of the continuing contrast between the noble and morally developed man (i.e. the chün tzu 君子) and the inferior and morally stunted person (i.e. the hsiao jen 小人). The noble man is internally directed towards a certain course of action by a recognition of and commitment to a universally valid morality in which he himself participates. The inferior man, on

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[30] See 46/6B/2: 人皆可以為堯舜
Everyone can be a Yao or a Shun.

the other hand, insensitive to the proddings of his own nature, must be directed towards the same course of action externally by socially imposed standards and penal laws (26/4A/1):

> 上無道揆也.下無法守也.朝不信道.工不信度.君子犯義.小人犯刑.國之所存者.幸也.
>
> When superiors have no moral precepts and subordinates have no standards, when the court has no faith in the Way and artisans have no faith in standards of measurement, when the noble man violates the universal moral principles and the inferior man violates penal statutes, then it is sheer luck that the state continues to exist at all!

That both Confucius and Mencius regard internal and voluntary submission to the dictates of the moral nature to be infinitely preferable to a resentful bowing to external coercion is apparent (12/2A/3):[31]

> 以力服人者.非心服也.力不贍也.以德服人者.中心悅而誠服也.如七十子之服孔子也.
>
> Using force to subjugate others is not winning their willing submission. It is that their force is not enough to resist. Winning the submission of others though is winning their sincere submission with pleasure in their hearts. This was the same as the way in which the seventy disciples submitted to Confucius.

The closer the government can come to the ideal of jen cheng, the less it has to rely on external constraints to achieve civil obedience. While tyrannical government is characterized by severe punishments and oppressive taxes, benevolent government can win popular support without recourse to coercion and material incentives (2/1A/5):

> 王如施仁政於民.省刑罰.薄稅斂.....可使制梃以撻秦楚之堅甲利兵矣.

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[31] Cf. Lun-yü 2/2/3.

> If your Majesty carries out benevolent government towards his people, reducing punishments and penalties and lightening the burden of taxes...you will be able to send them against the stout armour and sharp weapons of Ch'in and Ch'u armed with nothing but clubs.

Conversely, where the government is not motivated by moral obligations and makes no attempt to ensure that its subjects have a sufficient standard of living while at the same time pursuing a policy of merciless suppression when the people quite naturally run amuck, this is tantamount to intentionally setting out to ensnare the people (19/3A/3):[32]

> 有恒產者有恒心.無恒產者妄恒心.苟無恒心.放僻邪侈.無不為已.及陷乎罪.然後從而刑之.是罔民也.
>
> People with a constant means have a constant heart; those without a constant means are without a constant heart. Where those without a constant heart are wanton and dissipated, and will stop at nothing, to punish them once they have sunk into crime is to lay a trap for the people.

Another aspect of Mencius' attitude toward penal law which can be gleaned from the Mencius--an aspect which is not made explicit in the teachings of Confucius--is found in the following 12/2A/4 passage:

> 賢者在位.能者在職.國家閒暇.及時明其政刑.雖大國必畏之矣.
>
> When men of superior character fill the offices at court, men of ability are in government posts, the state embarks on an era of peace and takes advantage of such a time to make its policies and penal laws clear to the people, then the powerful states will have reason to stand in awe of it.

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[32] Cf. 4/1A/7. See also Lun-yü 41/20/2:

不教而殺謂之虐.

and Hsün Tzu 35/10/80:

故不教而誅則刑繁而邪不勝.

In a properly ordered state, the ruler makes an effort to make government regulations and penal law clear to his people.

Like Confucius, Mencius abhors the use of punishments, but where necessary he insists that the full weight and severity of the law be brought to bear on those people whose conduct is detrimental to the public good. He has no truck with warmongers, for example (28/4A/15):

> 爭地以戰,殺人盈野,爭城以戰,殺人盈城,此所謂率土地而食人肉,罪不容於死,故善戰者服上刑.....
> In battles fought for territory, corpses fill the open fields; in battles fought for cities, corpses fill the cities. This is called leading the land to consume human flesh. Death is too good for such a crime! Thus, those adept at war should be subjected to the harshest punishments...

Generally speaking, Mencius' attitude towards punishments and penal law is a continuation of that espoused by Confucius. Being totally committed to the ideal of moral government, both philosophers regard penal law as an unfortunate but at times necessary reinforcement for social control.

c) HSÜN TZU

In dealing with penal law in Confucius and Mencius, we have had to sift our source material and even extrapolate from other more clearly defined concepts in order to piece together a coherent attitude. The Hsün Tzu is a different case. Where Confucius and Mencius could afford to deal with penal law in a perfunctory manner, the emergence and susequent strength of the Fa-chia challenge to Confucianism made it imperative that Hsün Tzu define his terms more carefully and take up a position. As a consequence, Hsün Tzu provides us with a relatively lucid statement on penal law and punish-

ments.[33]

The opening passage of the "Chün Tao" chapter is important in illustrating the debt which Hsün Tzu owes to his Confucian antecedents. At the same time, it reveals an emphasis which distinguishes Hsün Tzu from this tradition:

有亂君.無亂國.有治人.無治法.羿之法非亡也.而羿不世中.禹之法猶存.而夏不世王.故法不能獨立.類不能自行.得其人則存.失其人則亡.法者.治之端也.君子者.法之原也.故有君子.則法雖省.足以徧矣.無君子.則法雖具.失先後之施.不能應事之變.足以亂矣.

There are disorderly rulers, but there is no such thing as a disorderly state; there are men who bring proper order, but there is no such thing as laws which bring proper order. The rules of Archer Yi have not been lost, but his descendents cannot hit the target in every generation. The laws of Yü still survive, but the House of Hsia does not rule as king for every generation. Thus, laws cannot

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[33] In the Hsün Tzu, the concept of penal laws is most frequently represented with the character fa 法, and punishments with the character hsing 刑. Of course, penal law is not a satisfactory rendering for all occurrences of fa. As we have observed above, by the end of the Warring States period, the term li had been inflated from its original specific meaning of ancestral rites and ceremonies to overlap much of the broader implications of fa. While fa in its narrow sense had come to represent penal law, in its broader meaning it refers to a system of regulations devised for the purpose of maintaining social control--perhaps not unlike the concept of "common law". While li and fa as systems can perhaps be distinguished by the stratum of society to which they apply, the fact that they both are directed at different levels of society for the common purpose of social order would indicate that they did share some common ground. Tu Kuo-hsiang p. 128 in his discussion of li in the Hsün Tzu goes so far as to conclude that li and fa are often used synonymously.

In our discussion of Hsün Tzu's attitude toward penal law and punishments, it is the use of fa in the narrow and specific sense of "penal law" which is our primary concern.

> maintain themselves and things cannot subsume themselves under classes. Where there is the right man, they survive, but where the right man cannot be found, they are lost. Laws are the source of proper order, but the noble man is the origin of the laws. Thus, where there is the noble man, even if the laws have been whittled away, they will be enough to meet all contingencies. Where there is no noble man, however, even if you have a full complement of the laws, they will not be applied at the right time, will not be able to respond to changing circumstances, and will only result in disorder.

The first and foremost assertion which identifies Hsün Tzu as a Confucian in his attitude toward penal law is the relative importance vested in man as the innovator, interpreter and executor of the law over the objective laws themselves. Hsün Tzu at one point suggests that penal laws are a basic element in the state (52/14/10):

> 故土之與人也.道之與法也者.國家之本作也.
> Thus, the territory and the people, the Way and the laws are the foundation of the state.

At the same time he is emphatic in subordinating the laws themselves to the men who interpret and apply them.[34] The laws were devised by man and require competent trustees to implement and uphold them. While the laws themselves can lead to order or disorder and are no guarantee of social equanimity,[35] it is the calibre of the people who implement the laws which is in fact the crucial factor (26/9/14):

> 故有良法而亂之者有之矣.有君子而亂者.自古及今未嘗聞也.
> Therefore, there has been disorder in spite of good laws, but from ancient times to the present there has never been disorder in spite of the noble man.

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[34] See 20/8/24 for example in which Hsün Tzu defines the Way in terms of man and man alone:

> 道者非天之道.非地之道.人之所以道也.君子之所道也.

[35] See also 41/11/87 and 52/14/12.

The priority of man over law is a frequently recurring theme in the text. Even after the laws have been established, tried and proven effective, "where there is the right man, they survive, but where the right man cannot be found, they are lost."[36]

Hsün Tzu's political theory puts the human element first and regards cold and abstract law as a secondary consideration in realizing social order--in this respect he is consistent with the Confucius-Mencius tradition.[37] Another feature of Hsün Tzu's attitude toward penal law which seems to have been carried over from his Confucian predecessors can be seen in his commitment to a social hierarchy and class distinctions. Like Mencius before him, Hsün Tzu on a theoretical level taught the equal potential of all men.[38] Again, like Mencius, on a practical level he is resigned to a continuing contrast between the morally developed and underdeveloped dimensions of society. Those who are receptive to moral instruction can be regulated by principles, but the lower reaches of the society who are beyond the pale of moral influence must be kept in line by the rule of law (32/10/19):

> 由士以上則必以禮樂節之.衆庶百姓則必以法數制之.
> From the gentleman on up, distinctions must be maintained with social norms and music, but the common people must be controlled with laws and precedents.

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[36] See the above "Chün Tao" passage. Compare this with the "Nan Shih" chapter of the Han Fei Tzu which advocates the absolute rule of law and indifference to the capacity or calibre of the ruler.

[37] It should be noted that Hsün Tzu seems to go one step beyond both Confucius and Mencius in the relative weight given the position of ruler. The overwhelming emphasis on the position of ruler almost suggests that where the ruler is incapable of achieving social order, all is lost. This seems to play down the individual and personal realization which had hitherto been a central issue in the Confucian tradition.

There is one characteristic of Hsün Tzu's attitude toward penal law which, although perhaps implicit in the traditional Confucian teachings, was not really articulated until Hsün Tzu. Hsün Tzu drew a very clear distinction between the spirit and principle of the law on the one hand and the letter and detail of the law on the other (44/12/4):[39]

> 不知法之義而正法之數者.雖博臨事必亂.
> Where one does not know the meaning behind the law but works on the explicit formulation of the law, even where his knowledge is extensive, his administration of affairs will certainly be lacking in order.

This distinction between "principle" and "letter" marks a very important difference between the Confucian and Fa-chia concepts of penal law, and it was probably the Fa-chia challenge to Confucian doctrine which pressed Hsün Tzu to clarify this point. While the Confucians saw law as embodying universal moral principles and insisted that comprehension of and sympathy with these principles must stand behind the application of abstract law, the Fa-chia held that the laws must remain objective and as free from the human element as practically possible. Hsün Tzu underlines the crucial moral aspect in the Confucian conception of penal law.

In the following passage, Hsün Tzu stresses the pedagogical responsibilities of government, reiterating Confucius' and Mencius' contention[40] that punishment is only justifiable after those in authority have made every effort to educate the people in the moral precepts underlying the law (35/10/80):

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[38] See the Hsün Tzu 89/23/53:

> 凡人之性者.堯舜之與桀跖.其性一也.君子與小人.其性一也.

[39] See also 26/9/11: 故法而不議.則法之所不至者必廢.

故不教而誅則刑繁而邪不勝.教而不誅則姦民不懲.
Therefore, where one punishes without instructing, punishments will multiply and yet depravity will not be overcome. Where having offered instruction one fails to punish, dissolute people will not be deterred.

Although Hsün Tzu's attitude toward punishments does not diverge substantially from that of Confucius and Mencius, he does state his position in clearer terms than either of his predecessors. Generally he follows the common sense Confucian dictum of reward or punishment according to the deed. In response to a hypothetical suggestion that the ancients did not use corporal punishments, Hsün Tzu replies in very certain terms (66/18/37):[41]

以為治邪.則人固莫觸罪.非獨不用肉刑.亦不用象刑矣.以為人或觸罪矣.而直輕其刑.然則是殺人者不死.傷人者不刑也.罪至重而刑至輕.庸人不知惡矣.亂莫大焉.凡刑人之本.禁暴惡惡.且徵其未也.殺人者不死.而傷人者不刑.是謂惠暴而寬賊也.非惡惡也.
On the one hand, if in governing there are no criminals to deal with, you neither use corporal punishments nor token punishments. On the other hand, if there are criminals and all you do is to commute their punishments, in such a case, murderers are not executed and people who harm others are not punished. If the most serious crimes are given the lightest punishments, then the man-in-the-street will not realize that such crimes should be abhorred. There is no greater calamity! Now, the basis for punishing people is to prohibit violence, to show up evil as evil, and moreover, to act as a deterrent. Where murderers are not executed and people who harm others are not punished, this is showing bounty to the violent and being generous with brigands. It is not the elimination of evil.

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[40] Cf. Lun-yü 41/20/2 and Mencius 4/1A/7 and 19/3A/3.

[41] Cf. Han Fei Tzu 273:16: 夫惜草茅者耗禾穗.惠盜賊者.傷良民.今緩刑罰.行寬惠.是利姦邪而害善人也.此非所以為治也.

The motivation behind punishments does cover the eradication of evil elements. But rather than stopping here, it is also conceived of as being a positive aid to moral education. Where Hsün Tzu would not hesitate to use severe punishments,[42] his primary reason for doing so is to instill an abhorrence of the crime in the people. The Fa-chia, by contrast, would accept the deterrent function of punishments but would show little if any interest in the moral edification of the people.

d) SUMMARY

Having examined the attitudes toward penal law attributable to Confucius, Mencius and Hsün Tzu, we can now distill the following characteristics and list them as being typical of the Confucian position on penal law and punishments:

1) Good laws by themselves are not a necessary condition for proper social order. Proper order is the consequence of benevolent government undertaken by a moral ruler. Hence, there is a Confucian preoccupation with the character of the ruler.

2) Penal laws are an inferior and very incomplete representation of universal moral principles. Political leaders of superior character are essential to interpret the moral principles behind the law. This subjective element is considered infinitely preferable to a comprehensive and objective code of laws. Subjective evaluation first; laws as simple guidelines.

3) Laws and the consequent punishments can only be justifiably applied after every effort has been made to provide the people with moral education.

4) Laws and the consequent punishments are conceived of as having both a deterrent and an educational function.

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[42] For example, 34/10/63 and 66/18/37.

5) Laws as only the barest guide are always open to interpretation in order to conform fully with the spirit of the law. As such, they must remain flexible and mutable to meet ever-changing circumstances.

6) Any theoretical case for equality before the law is very much overshadowed by the unquestioning acceptance of the feudal social structure. Where the higher echelons of society can, by virtue of their moral awareness and voluntary submission to li, be led by an appeal to moral principle, the lower strata require the more coercive pressure of penal law to keep them in line. The criterion as to whether an individual should be led by li or pushed by law would seem to be his degree of moral awareness. Given the Confucian commitment to educate society at large in moral precepts and the Confucian determination to win general submission to the li, a case can be made for at least a theoretical ideal of equality before the law--law which is ideally on the statute books but which is really quite unnecessary to maintain social order.

7) The ideal is a society in which penal laws do exist but the moral development of the people is such that these regulations are never violated.

8) On the practical side, given the less-than-ideal society with which the Confucian thinkers had to contend, they follow the general principle that the punishment should fit the crime.

9) In as much as penal laws are an embodiment of the universal moral principles, the ruler is bound by law to the same degree that he is bound by moral principle.

3. THE FA-CHIA TRADITION

In analyzing the Fa-chia position on fa we will rely primarily on the concept as presented in the Shang-chün shu, taking account of any obvious discrepancy between it and the Han Fei Tzu.[43] In dealing with fa in the

Fa-chia tradition, we choose to give priority to the Shang-chün shu for several reasons. First, throughout the corpus of early Chinese literature, frequent reference is made to Shang Yang and his doctrine of penal law and punishments. His doctrine is almost invariably identified as fa.[44] These references coupled with Shang Yang's historical position in the Fa-chia tradition encourage the opinion that he was himself the father of the doctrine of fa. We would speculate that Shang Yang (or if earlier, Li K'uei or Wu Ch'i) took this character fa which had until then probably connoted "model, to model, standard" and injecting it with new meaning and giving it a broader application, used it as the main tenet underlying his entire political philosophy. Whereas there is some debate as to the authenticity of the Shang-chün shu and its various parts,[45] most scholars are in agreement that this text does contain the basic tenets of Shang Yang's political doctrine. Again, the sections of the text,

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[43] Because of the composite nature of the Kuan Tzu and the wide spectrum of philosophical positions represented from one chapter to the next, the construction of a consistent interpretation of penal law and punishment is an impossible task. There are some portions of the text which are definitely Fa-chia in orientation (e.g. 任法 , 法禁 , 重令 , 法法 , 明法 , 七臣七主 --see Yang Hung-lieh pp. 84-7), but there is little here with respect to fa that is not also found in the Shang-chün shu.

Hsiao Kung-ch'üan pp. 151-8 discusses the concept of fa in the Kuan Tzu. First, he assumes that the Kuan Tzu is earlier than the Shang-chün shu. Again, he treats the Kuan Tzu as a homogeneous text and arrives at the not unexpected conclusion that Kuan Tzu's concept of fa has a moral dimension while that of Shang Yang and Han Fei does not. While Shang Yang and Han Fei regard penal law and the authority of the ruler as the sole agents of political control, the Kuan Tzu still looks to the family system and human relations. In the Kuan Tzu, there are perhaps passages which bear out Hsiao's conclusions, but there are also sections which describe fa in full Fa-chia strength and with all of its implications. By treating the text as homogeneous, Hsiao mixes the Confucian portions with the Fa-chia and arrives at an interpretation somewhere between the two.

while possibly dating from different periods and originating from different hands, are generally consistent if not at times even repetitious in their content.[46] From this work which reaches back very close to the inception of the fa doctrine, we can hope to construct a consistent and reasonably complete outline of its main principles.

Secondly, the Han Fei Tzu, while ascribing the establishment and development of the fa political philosophy to Shang Yang and generally referring to him with undisguised reverence, still maintains that the Shang Yang programme of government based almost wholly upon this concept of fa has definite limitations.[47] Han Fei Tzu absorbs the basic principles and the spirit of Shang Yang's political philosophy, but in accommodating administrative concepts and ideas from earlier thinkers to construct his Fa-chia amalgam, he cannot help but modify certain aspects of the original fa doctrine. In basing our discussion on the Shang-chün shu conception of fa and then noting any Han Fei Tzu divergence from this basic source, we hope to arrive at a reasonably clear and comprehensive characterization of the Fa-chia position on penal law and punishments.

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[44] See Han Fei Tzu 159:5, 167:14, and 304:4; Huai Nan Tzu 16/14b, 20/17b and 21/8a. For a full collection of these passages, see Kao Heng's Shang-chün shu chu-yi pp. 195ff.

[45] See Duyvendak, Book of Lord Shang pp. 141-59, especially pp. 143-5.

[46] See Wei-shu t'ung k'ao pp. 769-71.

[47] See the "Ting Fa" chapter of the Han Fei Tzu.

a) SHANG YANG

Shang Yang's political theory and administrative methods serve both a perspective and a purpose. Characteristic of the Fa-chia theorists, Shang Yang's programme of government is addressed to the ruler, and it is towards his interests that the text directs itself. The purpose served is political survival. Given the grim conditions prevailing in the states of pre-Ch'in China, survival meant nothing short of domination over rival powers and their ultimate unification under one rule. History had taught that there was no safety in the half-way measures of alliance and co-existence. Because this single and overwhelming purpose of international domination colours Shang Yang's political philosophy from start to finish, it is essential that it is always kept clearly in sight in our attempt to analyze his thought.

For Shang Yang, political domination of the Chinese states could only be accomplished through military conquest.[48] As a citizen of an era in which internecine

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[48] The militarist associations of Shang Yang's political philosophy and of the Fa-chia doctrine in general cannot pass without remark. We have seen above that the central concept shih 勢 was probably developed as a special militarist term before being absorbed into the Fa-chia tradition. Again, as V. Rubin pp. 77-8 observes: "It is within the army that the principles of governing through a system of rewards and punishments, later proclaimed by the Legalists as the sole method of ruling society in general, are first worked out." In Han Fei Tzu 303:4, Huai Nan Tzu 20/17b and Han-shu "Hsing-fa chih", Shang Yang is discussed together with Militarists such as Wu Ch'i, Sun Pin and Sun Wu. Again, in the Han-shu "Yi-wen chih" it lists 公孫鞅二十七篇 under the 兵家 heading. In the Hsün Tzu 55/15/43 Shang Yang is described as: 世俗之所謂善用兵者.

Ch'ien Mu's "Shang Yang k'ao" in his Hsien-Ch'in chu-tzu hsi-nien pp. 227-30 insists that Shang Yang's ideas are to a great extent derived from Li K'uei and Wu Ch'i. Among those ideas which Ch'ien Mu regards as being common to the three theorists is the emphasis on fa. Ch'ien Mu suggests that the 李子十篇 entered under the "Ping Chia" in the Han-shu "Yi-wen chih" is probably Li K'uei, making

struggle had become convention, this conclusion was neither unrealistic nor extreme. To raise an army of some consequence, the ruler requires the interdependent factors of a strong economy and a large population. In order to transform the rabble into front-line troops, the ruler must impress order and discipline onto the population, and must use his position as ruler to channel and direct the public effort towards the realization of this national purpose. This was the problem to which Shang Yang addressed himself, and his answer was fa.

Shang Yang saw the ruler's task of subjugating, disciplining, regulating and shaping his people as comparable to the blacksmith forging his metal or the potter fashioning his clay (4/8b, pp. 64-5):[49]

> 故勝民之本在制民.若冶於金.陶於土也.本不堅.則民如飛鳥禽獸.其孰能制之.
>
> Therefore, the root of dominating the people lies in holding control over them. This is analogous to the blacksmith working his metal or the potter his clay. If the root is not firmly established, the people will be like birds of the air or beasts of the wild, and who is able to control them?

Penal law, as the source of order in the state, is the very basis of government (5/15a, p. 94):[50]

> 法令者.民之命也.為治之本也.所以備民也.
>
> Laws and edicts are the destiny of the people, are the root of achieving proper order, and are the means of containing the people.

Li K'uei, Wu Ch'i and Shang Yang all members of a Fa-chia/Ping-chia tradition. This theory, given the spirit of Shang Yang's political philosophy, is worth careful consideration.

Further evidence which would support an association of these theorists are the obvious echoes in the "Chan Fa" chapter of the Shang-chün shu from the Sun Tzu ping-fa. In Shih-chi 65 (p. 2168) when Wu Ch'i became prime minister of Ch'u in 384 B.C., his administration is described as: 世俗之所謂善用兵者.

Again, in Han Fei Tzu 67:9 Wu Ch'i gives King Tao of Ch'u advice on the centralization of power by bleeding the privileged classes. This is very much a Shang Yang prin-

The strict application of the law is conducive to success in the two fundamental and complementary occupations of the state--agriculture and warfare (5/5b, p. 79):

故明主察法.境內之民無.辟汙之心.游處之士.退於戰陳.萬民疾於耕戰.

Therefore, a perspicacious ruler pays careful attention to the laws, and none of the people within his borders have wicked minds, sophists and recluses are conscripted into the front lines, and all of the people are eagerly involved in farming and warfare.

By adhering to the law and enforcing severe punishments, the ruler instills fear into the hearts of his people, and people who are deathly afraid of their superiors make good soldiers (1/13a, p. 18):

國無力而行知巧者必亡.怯民使以刑必勇.勇民使以賞則死.怯民勇.國無敵者彊.彊必王.

A state which is without real strength but which employs intelligence and cleverness will certainly perish. Timorous people encouraged by punishments will certainly be brave, and brave people encouraged by rewards will give their lives. Where timorous people are brave and brave people will give their lives, the state will have no equal.[51] A state with no equal is strong, and the strong will certainly rule the world.

Shang Yang stresses the importance of this concept of law as the central principle behind his political philosophy, and propounds a reasonably well-rounded and consistent theory. But Shang Yang does not stop at abstract theorizing with imaginary rulers implementing hypothetical laws. Rather, he is very specific about the source, the

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ciple. The position of importance given warfare in Shang Yang's thought and his preoccupation with it also contributes to this association.

[49]See also 3/10b (p. 49) and 5/11b (p. 90).

[50]While the first reference is to SPTK, the second is to Chu Shih-ch'e's Shang-chün shu chieh-ku ting-pen which is very useful for textual problems.

[51]Following Duyvendak, Lord Shang p. 201 n4 in inserting the phrase: 則國無敵.

nature and the content of his legal regimen. In response to the frequent conservative complaint that any alteration in the existing laws will be to the detriment of public order, Shang Yang insists that different periods of history have required different laws. To rely upon outmoded and obsolete regulations to maintain order in modern times is setting a course for certain disaster (1/2a, p. 3):[52]

> 故知者作法而愚者制焉.賢者更禮而不肖者拘焉.
> Thus, the intelligent enact laws while the stupid are controlled by them; men of superior character reform social norms while those of inferior character are bound by them.

Shang Yang concedes that in high antiquity when people were simple and honest, it was possible and even practical to rule them by encouraging virtue, but the complexities and artificiality of modern times demand government by law and punishments.[53] Not only must laws be responsive to changing circumstances, but further they must take popular custom into account (3/2b-3a, p. 37):[54]

> 故聖人之為國也.不法古.不修今.因世而為之治.度俗而為之法.故法不察民之情而立之則不成.治宜於時而行之則不干.
> Therefore, the sage in governing a state does not imitate antiquity or follow[55] established procedures of the day, but according with the times he lays down policy and assessing popular customs he lays down laws. If laws are set up without carefully examining the real conditions of the people, he will not succeed; if the government is administered in accordance with the times, it will not come up against opposition.

As it is made abundantly clear in the above passage, the ruler is not considerate of prevailing customs as a kind-

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[52] Cf. Huai Nan Tzu 13/5b.

[53] See Shang-chün shu 2/10b (p. 32).

[54] See also 2/7b (p. 29).

[55] Reading 修 as 循 .

ness to his people, but purely and simply because unless laws are in accord with the lifestyle of the people, they will be resisted and will prove ineffective. Thus, rather than buttressing law with Divine sanction or the authority of antiquity's hoary sages, Shang Yang insists that an intelligent ruler equipped with a modicum of insight into popular customs and prevailing conditions is the source of the law in as much as he is obligated to update it and reform it in every way necessary to make it relevant to his age. In promulgating new or reformed laws, the ruler must remain within the limits of human nature. He must punish on the basis of what people dislike and reward on the basis of what they like (3/4a, p. 39):

人君而有好惡.故民可治也.人君不可以不審好惡.好惡者賞罰之本.夫人情好爵祿而惡刑罰.人君設二者以御民之志.而立所欲焉.

It is because the people[56] have likes and dislikes that they can be governed. The ruler cannot but pay close attention to likes and dislikes. Likes and dislikes are the root of rewards and penalties. Now it is human nature to like rank and emoluments and dislike punishments and penalties. The ruler's setting these two up is in order to control the will of the people and to put out what the people want.

The nature of the laws is one of the more frequently discussed if not laboured subjects in the text. The laws in order to function effectively must be clear, simple and easy to understand (5/16a-b, p. 95):

故夫知者而後能知之.不可以為法.民不盡知.賢者而後知之.不可以為法.民不盡賢.故聖人為法.必使明白易知.正名.愚知徧能知之.

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[56] Following T'ao Hung-ch'ing in reading 人君 as 人生 .

> Therefore, one cannot establish laws that only the intelligent can understand because the people are not all intelligent. One cannot establish laws that only those of superior character can understand because the people are not all of superior character. Thus, the sage in establishing laws is sure to make them clear and easily understood and is correct in his terminology so that stupid and wise alike are able to understand them.

With laws clear and easily understood, persons who take it upon themselves to question the law must be actively and effectively discouraged (3/8a, p. 46):

> 法已定矣.不以善言害法.任功則民少言.任善則民多言.
> Once the law has already been laid down, do not allow "good words" to injure it. Where one employs men who show results, the people will say little, but where one employs "good" men, the people will have a lot to talk about.

Where law constitutes the one and only standard, devious and deceitful persons are rendered impotent (5/11b-12a, p. 90):

> 使吏非法無以守.則雖巧不得為姦.使民非戰無以效其能.則雖險不得為詐.
>
> If officials have nothing other than the law to abide by, even where they are cunning they will have no chance to perpetrate evil; if the people have no outlet other than war to express their abilities, even where they are treacherous they will have no chance to conspire.

The law must always be equitable and absolutely objective in its application, and must be strictly enforced (4/6a, pp. 60-1):[57]

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[57] This aspect of Shang Yang's doctrine of fa has often been cited as a redeeming feature in his totalitarianism--the principle of equality before the law smacks of modernity. Some scholars would go so far as to suggest that the principle of objective and universally applicable law would not only guarantee fair and equitable treatment for prince and pauper alike, but would further serve to contain the discretionary powers of the ruler himself. This is neither theoretically the case, nor is it borne out by historical example. First, the perspective of Fa-chia political thought is invariably that of the ruler. The

謂重刑者,刑無等級,自卿相將軍以至大夫庶人,有不從王令,犯國禁,亂上制者,罪死不赦.

What is meant by "making punishments uniform" is that punishments should know no rank or class. From minister of state or general down to the officials and common people, if anyone should fail to observe the edicts of the king, should violate prohibitions of the state or disrupt the ruler's institutions, his crime warrants death without pardon.

By being fastidious in the application of the law, the state impresses on its people the fact that there is a necessary connection between crime and punishment. Anyone guilty of a crime will in due course be called upon to answer for it. The punishments applied as a result of the laws must be severe enough to dissuade others from pursuing the same course of criminal behaviour.

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principle of universal law was posited not to curb the ruler's authority, but rather to guarantee his political survival (4/10b, p. 67):

凡人主之所以非出人也,知非出人也,勇力非過人也,然民雖有聖知,弗敢我謀,勇力弗敢我殺,雖衆不敢勝其主,雖民至億萬之數,縣重賞而民不敢爭,行罰而民不敢怨者,法也.

Further, the notion that "laws must meet changing conditions" coupled with the position of the ruler as the final arbiter of the law gives him the freedom to interpret and even alter the laws at will. Shang Yang's purpose in propounding the concept of equality before the law was not popular justice or emancipation, but rather the most expedient manner for the ruler to achieve his ends. How can one reconcile the notion of equality before the law with the implementation of a scheme for group responsibility (lien tso 連坐)?

As we have touched upon in our discussion of the Confucian concept of fa, the feudal structure of society had tended to give the higher echelons of society extra-legal privileges. While Shang Yang's principle of "equality before the law" does nothing to retard the powers of the sovereign--in fact, it enhances them--this increase in central authority was primarily at the expense of the

The Confucians, as we have seen, follow the general principle that the punishment should fit the crime, while the Fa-chia advocate severe punishments for even the most minor infraction of the law (2/2a, p. 22):

> 故行刑重其輕者.輕者不生:則重者無從致矣.
> Therefore, in applying punishments, if minor offences are dealt with severely and these minor offences cease to occur, then serious crimes will have no breeding ground.

The Fa-chia reasoning is that by treating minor violations as the inception or intent of serious crimes and punishing them accordingly, they are able to arrest the escalation and proliferation of criminal activities. In so containing serious crime, the authorities ultimately make the application of the most severe measures[58] unnecessary (3/10a, p. 48):

> 行罰重其輕者(輕其重者).輕者不至.重者不來.此謂以刑去刑.刑去事成.
> If in applying penalties minor offences are dealt with severely,[59] then minor offences will not occur and serious crimes will not arise. This is called using punishment to abolish punishment. When punishment has been abolished, affairs will succeed.

While a programme of complementary rewards and punishments are proposed as a means of encouraging popular compliance with governmental measures, it is the punishments which are in fact of major concern. Shang Yang suggests a ratio of nine punishments to one reward as the recommended proportions for social order (1/13a, p. 18):[60]

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privileged classes. This was not prompted by egalitarian sentiments, however, but was simply the by-product of an absolute despotism.

[58] While it might be argued that the death penalty for a minor infraction is the same as the death penalty for a serious crime, the Fa-chia would reply that death can be brought on with varying degrees of imagination. Further, the execution of one man is considerably kinder than the extermination of an entire family (see 4/6a, p. 61 and 4/9a-b, p. 65 for examples). For a list of common pun-

王者刑九賞一.強國刑七賞三.削國刑五賞五.
In a state that rules the world, punishments number nine to every one reward. In a strong state there are seven to three. In a carved up state there are five to five.

When the schedule of penal laws and punishments characterized above is applied and strictly enforced, the society will gradually evolve towards an ideal condition. This ideal condition is frequently described in paradoxical terms (3/8b, p. 47; 1/13b, p. 18):

此謂以法去法....此謂以刑去刑.
This is called using laws to abolish laws....This is called using punishment to abolish punishment.
以刑去刑國治.以刑致刑國乱.
Using punishment to abolish punishment, the state will be well-ordered, but using punishment to breed punishment, the state will be in turmoil.

What is actually meant by these paradoxes is spelled out in the final paragraph of the text (5/16b, p. 96):

故聖人立天下而無刑死者.非不刑殺也.行法令.明白易知.為置法官吏為之師以道之知.萬民皆知所避就.避禍就福.而皆以自治也.故明主因治而終治之.故天下大治也.

Therefore, when the sage is given position in the empire, that he does not have any executions is not because he does not have the death penalty. Rather, in promulgating laws and edicts, he makes them clear and easily understood, and establishes judicial ministers and officials to act as teachers in guiding the people to an understanding of them. The people all know what to make for and what to avoid. In making for prosperity and avoiding calamity, they are self-ordering. Therefore, the perspicacious ruler taking advantage of this existing order adds the final touches, and as a consequence, the empire attains a state of lasting order.

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ishments employed by Shang Yang, see D. Bodde, Unifier p. 168.

[59]The phrase 輕其重者 is omitted here. See Duyvendak, Lord Shang p. 258 n4.

[60]See also 2/11a, p. 33.

According to the Han Fei Tzu 71:12, the ideal condition described in this passage was realized under the rule of Duke Hsiao of Ch'in and his able chancellor, Shang Yang:

> 故姦莫不得而被刑者衆.民疾怨而衆過日聞.孝公不聽.遂行商君之法.民後知有罪之必誅.而私姦者衆也.故民莫犯.其刑無所加.是以國治而兵強.地廣而主尊.
>
> Therefore, everyone guilty of depravity was apprehended and those who suffered punishments were many. The people were exceedingly resentful and their complaints were heard daily. Duke Hsiao did not listen, but carried through the laws of Lord Shang. The people came to know that those guilty of crimes would certainly be punished, and informers[61] became numerous. Thus, none of the people violated the laws and the punishments were not administered. Therefore, the state was well-ordered, the army was strong, the territory was extended and the ruler was revered.

Above we have outlined the main principles underlying Shang Yang's doctrine of fa. But as we have mentioned, general principles and abstract theory are only the first of three dimensions of Shang Yang's political philosophy. The second dimension is represented by Chapter 26 in which a detailed schemata for a Fa-chia state is presented. In this chapter, we find the blueprint for a special arm of the bureaucracy contrived for the sole purpose of implementing the laws. This judicial branch has the following features:

1) specially trained fa kuan 法官 are empowered to memorialize the throne to propose laws and legal reforms

2) the ruler personally presides over the law and dispenses laws and reforms to the fa kuan

3) the fa kuan are responsible for passing the laws down through the bureaucracy and bringing them to public notice

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[61] Following Wang Hsien-shen in reading 告 for 私 .

4) a constant supply of fa kuan is maintained by a special and rigorous law course for students

5) no one save the ruler is empowered to alter the law

6) the fa kuan are responsible for clarifying the law and must answer all enquiries in a formal and prescribed manner

7) measures such as secret archives and duplicated forms must be taken to guarantee the objectivity and impartiality of the law

8) fa kuan are attached to various levels in the power structure from the palace on down in order that everyone is made aware of the laws and are regulated by these laws

The third dimension of Shang Yang's political philosophy is the actual establishment and the ultimate success of his political regime which he himself began under Duke Hsiao of Ch'in and which reached its culmination in the unification under Ch'in Shih Huang Ti. Whatever repugnance Shang Yang's brand of brutal despotism may arouse, the efficacy of his plan for political survival through internal consolidation and foreign conquest is nothing less than historical fact. One of the more popular sinological debates of our times is the relative influence of Confucian and Fa-chia ideas in the formative years of imperial China. Whatever the eventual outcome of this debate, the profound and lasting impact of Shang Yang's conception of fa on the Chinese empire is beyond question.

b) HAN FEI TZU

Having analyzed the conspicuous features of Shang Yang's original concept of fa, we can now turn and compare these features with Han Fei Tzu's later development of fa. The most striking feature of such a com-

parison, far from being any obvious divergence between the two texts, is rather their basic consistency. Han Fei takes over Shang Yang's principle of fa almost entirely intact.[62] This fact is more significant when one considers that although Shang Yang's political philosophy had been current for over a century by Han Fei's time, its central principle fa could be absorbed wholesale into Han Fei's political doctrine without any notable revision. The only really significant difference between fa in the Shang-chün shu and the Han Fei Tzu is that while it constitutes the unchallenged core of Shang Yang's thought, in the Han Fei Tzu its relative importance is somewhat diminished by the introduction of and elaboration on what Han Fei regards as equally essential principles: shu 術 and shih 勢. Shang Yang holds that fa itself is a necessary condition for political order, but the Han Fei Tzu states categorically that shu is as necessary to the ruler as fa, and that neither is sufficient in itself (304:6):

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[62] Ts'ao Ch'ien in his Han Fei fa-chih lun pp. 24-6 outlines Han Fei's debt to Shang Yang under the following guides:

1) 時代進化
2) 法隨時變
3) 排斥舊道德
4) 國家主義
5) 弱民政策
6) 上下利害相反
7) 私行與公利不相容
8) 重罰
9) 重農
10) 尚法
11) 尚戰
12) 告姦
13) 連坐

Ch'en Ch'i-t'ien p. 934 of Han Fei Tzu chiao-shih insists that in spite of Han Fei's criticisms of Shang Yang, his conception of fa was by and large derived from the earlier theorist. Again, Ching Chih-jen in his Han Fei Tzu cheng-chih ssu-hsiang p. 23 concurs with Ch'en Ch'i-t'ien in asserting that "as regards the concepts of fa and hsing shang 刑賞, that Han Fei for the most part took them over from Shang Yang is beyond any question."

君無術則弊於上.且無法則乱於下.此不可一無.皆帝王之具也.

Where the ruler is without techniques of statecraft (shu) he will be deceived; where the subjects are without law (fa) they will be disorderly. One cannot be without either one of these--they are both the tools of the emperor.

c) SUMMARY

Having ascertained the general consistency of the Fa-chia interpretation of fa, we can now abstract the following characteristics and list them as being typical of the Fa-chia position on penal law and punishments:

1) Good laws are a necessary condition for proper social order. A ruler without laws is the same as no ruler.[63] Because the emergence of a sage-ruler is a very rare event and cannot be relied upon, Fa-chia doctrine establishes a system which is only minimumly dependent upon the character of the ruler.[64]

2) The essential purpose of laws and the consequent punishments is to intimidate and deter.

3) Every effort must be made to promulgate laws clearly and concisely in such a manner as to guarantee that every person in the state is wholly aware of their contents and implications.

4) For the Fa-chia, penal laws have been divested of any moral significance and religious sanction. Law replaces morality and functions as the exclusive standard of good. What is in accordance with the law is good; what violates the law is bad. Because the law

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[63] See Shang-chün shu 2/11b, p. 34:

今有主而無法.其害與無主同.

itself serves as an objective and impartial standard, it strives to remove any reliance upon subjective interpretation.[65] The law ideally is analogous to the operations of an automatic and self-regulating machine.

5) The Fa-chia advocates that severe punishments should be strictly applied for even the most minor infraction of the law.

6) All persons in the state (with the sole exception of the ruler himself) are subject to the rule of law, regardless of their status or influence.

7) The ruler is himself beyond the law, and the law is devised to serve the ruler and his interests.

8) Laws must be constantly reviewed and updated to meet changing circumstances. The power to do this rests entirely with the ruler. The laws can and must be reformulated from time to time, but they cannot be interpreted to accommodate particular cases. This reformulation reflects an on-going reassessment of the most effective means of achieving the ruler's purposes.

9) The ideal is a conditioned society in which law and punishment is universally understood and adhered to to the extent that litigation ceases to arise.

10) There is a conviction that a basic antagonism exists between the national and collective purpose on the one hand, and the interests of the individual on the other. This antagonism is frequently expressed in a contrast between the kung tao 公道 and szu li 私利 .

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[64] See Han Fei Tzu 300:5:

且夫堯舜桀紂千世而一出.是比肩隨踵而生也.世之治者不絕於中.吾所以為言勢者.中也.....抱法處勢則治.背法去勢則亂.

[65] See Han Fei Tzu 368:1: 夫治法之至明者任數不任人.

Now that we have examined the concept of fa in each of the early Confucian, Taoist and Fa-chia traditions and have arrived at a schedule of their main features, we can turn to the "Chu Shu" chapter of the Huai Nan Tzu and identify any debt which it might owe to these earlier theorists.

C. THE CONCEPT OF FA IN THE "CHU SHU" CHAPTER OF THE HUAI NAN TZU

In Appendix II and in the preceding portion of this chapter we have traced the evolution of fa from the earliest texts and the seminal stages of Chinese thought into the period of the hundred schools, and have isolated the main features of this important concept as found in each of the Taoist, Confucian and Fa-chia traditions. As respects the role of penal law and punishments in government, we have encountered an outright Taoist rejection of such contrived measures as being symptomatic of a spiraling political decline. The Confucians,[66] while grudgingly admitting the necessity of law as a guardrail on socially acceptable conduct, strive for a society in which a voluntary devotion to moral precepts rather than the constraint of penal intimidation will channel the energies of the people along desirable lines of behaviour. The Fa-chia thinkers, possibly the first group to assign this character fa the connotation of penal law, develop a theoretically consistent and practicable system of government grounded in the conviction that the people and the governing bureaucracy can be regulated by impartial and universally applicable laws, laws which have been wholly divested of

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[66] Note that Hsün Tzu does represent a special case and cannot be grouped with Confucius and Mencius without qualification.

any moral significance and whose function depends on reward and punishment.

Having discussed these three disparate attitudes towards penal law at some length and having abstracted their most conspicuous points of contrast, we are now prepared to move into the political thought of the "Chu Shu" chapter to ascertain its sources and its orientation. The syncretic pattern which we have found to be typical of other related concepts is very much the prevailing current here. While Taoist, Confucian and Fa-chia attitudes are blended to constitute the basic stock of the "Chu Shu" chapter's discussion on fa, there are also some new and original innovations which give this chapter a decidedly Han imprint.

As is frequently the case when dealing with the basic ideas in this "Chu Shu" chapter, the first impression is that this concept of penal laws and punishment, couched in a series of short discussions, is by no means consistent. In fact, the several statements when juxtaposed would appear to produce rather flagrant contradictions.[67] This is only a first impression. As we shall discover, this concept of fa and the notion of penal laws and punishments as represented in the "Chu Shu" chapter, when understood in the context of the overall political system, is very consistent indeed.

To begin, the "Chu Shu" chapter characterizes the efficacy of government as being on three different levels (9/4a):[68]

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[67] For example, compare the passage 9/2b with 9/13b:

> 塊然保真.抱德推誠.天下從之.如響之應聲.景之像形.其所修者本也.刑罰不足以移風.殺戮不足以禁姦.
> Without genuineness he preserves the true, embraces virtue and extends sincerity. And the world follows him just as the echo responds to the sound and the shadow to the form. This is because what he cultivates is the root. Punishments and penalties are

故太上神化.其次使不得為非.其次賞賢而罰暴.
Therefore, the highest ruler is god-like in his transformations. The next makes it impossible for people to do wrong. And the next rewards those of superior qualities and punishes the troublemakers.

The notion of shen hua 神化 requires some explanation. In late Warring States and Western Han literature, the attribution of an accumulated magical potency to the exemplary sage-ruler is a recurring phenomenon. This potency is very frequently associated with a capacity to elevate and transform his subjects in an unseen and miraculous fashion beyond their understanding or even knowledge. This transformation is wrought through a veiled and surreptitious influence which is likened to divinely-inspired change (ju shen 如神).[69] This shen

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incapable of putting a stop to wickedness.
所謂亡國.非無君也.無法也
What is called a "doomed state" does not mean that it is without a ruler, but that it is without laws.

Initially, these two passages seem very much at odds, but when they are understood in light of the "decline theory" of history (see Chapter VI below) as two levels of government--one in antiquity's golden age and one that is practicable in modern times--the text appears to be more consistent.

[68]Compare this with Huai Nan Tzu 20/8b:
治神太上養神.其次養形.治國太上養化.其次正法.
In the proper government of the individual, the first priority goes to the cultivation of the spirit, and only next to the cultivation of the physical form. In the proper government of the nation, the first priority goes to the cultivation of the people's transformation, and only next to the rectification of laws.

That these two passages in the Huai Nan Tzu are somehow related is indisputable. Compare, for example, 9/2b and 20/8b below:
故聖人事省而易治.求寡而易贍.不施而仁.不言而信.不求而得.不為而成.塊然保真.抱德推誠.天下從之.如響之應聲.景之像形.其所修者.本也.

hua is a popular subject in the Huai Nan Tzu,[70] and depending upon the orientation of the individual passages, can have different implications. In this "Chu Shu" passage, this highest level of shen hua is illustrated by the description of a golden age in the development of Chinese civilization.[71] Even during this golden age, laws and punishments were still in force. Although these laws and punishments were still on the books, however, under the tutelage of a sage-ruler like Shen Nung, there was no cause to apply them (9/2a):

> 是故威儀而不殺.刑錯而不用.法省而不煩.故其化如神.
> Thus, his (Shen Nung's) bearing was severe yet he did not have to resort to executions, his punishments were put aside and he did not have to invoke them, and his laws were simple and uncomplicated. Hence, his transformation of the people was god-like.

Because of the transforming influence of Shen Nung's spiritual essence,[72] the application of rigorous laws

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故不言而信.不施而仁.不怒而威.是以天心動化者也.

[69]For the association between the divine-like potency and the capacity to effect change, see Mencius 51/7A/13 (this same phrase is repeated in Hsün Tzu 57/15/102 and 110/32/32), Hsün Tzu 1/1/5 and 7/3/27, and I-ching 45/繫下/2. Most of these same examples attribute a magical cogency to the sage-rulers of old. That the transformation is often characterized as inscrutable is demonstrated in Mencius 57/7B/25 and Hsün Tzu 95/26/17.

[70]See especially Chapters 1, 2, 10 and 20.

[71]See sections 2 and 3 of the translation, Appendix I.

[72]The influence of Shen Nung's spiritual strength is not limited to the world of man, but pervades the cosmos, guaranteeing regular seasons and bountiful crops. This 天人相應 element in this chapter is very characteristic of Western Han thought. See also the anecdote about King T'ang of Yin in 9/4a.

and severe penalties was wholly unnecessary (9/2a):

當此時.法寬刑緩.囹圄空虛.而天下一俗.莫懷姦心.

At this time, the laws and punishments were not stringently applied and the prisons were empty. The world was one in custom and none were of a wicked mind.

By contrast with this golden age, in recent times the authorities have lost the transforming cogency of Shen Nung and instead have concentrated on the incidental measures of government, unaware that harsh and oppressive policies exacerbate social strife and political instability (9/2a):

夫水濁則魚噞.政苛則民亂.

Now where water is muddy the fishes gasp; where government is severe the people are disorderly.

Only when the government can reform itself at the root and effect a transformation among its people by the potency of its "spiritual essence (chih ching 至精)" can there be a return to this golden age. As an alternative, exclusive reliance upon punishments and executions--the incidental occupations of government--will never lead to a substantial and lasting improvement in social order (9/2b):

刑罰不足以移風.殺戮不足以禁姦.唯神化為貴.至精為神.

Punishments and penalties are incapable of changing customs and executions are incapable of putting a stop to wickedness. Only god-like transformation is precious and only the most essential vapours can do it in that way.

The author cites the historical examples of Sun Shu-ao, Yi Liao and Ch'ü Po-yü[73] to illustrate the potential of shen hua and to emphasize the futility of depending upon laws and punishments, concluding that (9/3a):

鈇鉞鐵鎧.瞑目抵掔.其於以御兵刃縣矣.券契束帛.刑罰斧鉞.其於以解難薄矣.修目而照見.待言而使令.其於為治難矣.

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[73] See the translation in Appendix I Section 3 notes 9 and 11.

> Things like armour and grimaces of wrath are a long way from defending against arms; things like contracts and ceremonial gifts, punishments, penalties and instruments of execution are of little use in resolving difficulties; relying on your eyes to see or your words to command is no way to effect proper order.

By focusing on and concentrating the essential potency of his chih ching 至精 within, the ruler becomes capable of influencing the course of the entire cosmos and directing the world about him. Measured against such far-reaching and weighty influence, a project as inconsiderable as the successful implementation of laws and edicts is no more than a matter of course (9/4a):

> 古聖王至精形於內而好憎忘於外.出言以嗣情.發號以明旨.陳之以禮樂.風之以歌謠.業貫萬世而不壅.橫窮四方而不窮.禽獸昆蟲與之陶化.又況於執法於令乎.
>
> The sage-kings of antiquity, embodying the most essential vapours within, gave them expression by likes and dislikes externally. Their words were spoken to express what was truly on their mind and they issued commands to show their purposes. Setting these out in social norms and music and recounting them in song and verse, their deeds have been known to each succeeding generation without break and have spread to every corner of the world without limit. They shaped and transformed even birds, beasts and the insect world, let alone things like administering the law and implementing edicts.

Now this ideal of social order effected through shen hua would appear to be a synthesis between Taoist elements and the Han Confucian notion of 天人相應. From the Taoist side the "Chu Shu" chapter inherits the underlying "decline" theory of history which idealizes the pristine ignorance and uncorrupted natural chaos of high antiquity. While this section of the chapter does not deny the practical necessity of some form of political administration, it is made very clear that the best government is the least government (9/2b):

> 故聖人事省而易治.求寡而易贍.不施而仁.不言而信.不求而得.不為而成.

> Hence, the sage governs easily because his affairs are few, and is easy to satisfy because his demands are few. Without giving any service he is benevolent, without speaking he is trusted, without seeking he gets, without doing he accomplishes.

Where Ch'ü Po-yü is cited as a historical example of this most effective form of government, his response to the question: "How do you govern the state?" is simply (9/3a):

> 以弗治治之.
> I govern it by not governing it.

This portion of the text also contains many allusions to and echoes from the basic Taoist works,[74] and some of the core terminology would appear to have been drawn from the Taoist tradition.[75] Also, historical examples of superlative rulers are generally taken over from Taoist sources.[76] Similarly, the Han Confucian contribution is readily identifiable. Perhaps the most salient Han characteristic is the notion of 天人相應 which received such wide currency duing the Western Han. The essential vapours which are gathered and stored in the breast of the ruler are able to transform the people and insure the regularity of the climate and the success of the crops. This notion of the ruler being able to transform his people through his inner magical potency is very reminiscent of and conceivably an elaboration on the tradition Confucian concept of te 德.

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[74] See the notes to Section 3 in the appended translation of this chapter for examples of allusions and echoes.

[75] For example, chih ching 至精 can be found in the Chuang Tzu 42/17/20 and 58/22/18; pu yen chih chiao 不言之教 in Lao Tzu 2, 43, 73 and Chuang Tzu 12/5/2 and 57/22/7.

[76] For example, Hsiung Yi Liao and Sun Shu-ao (9/2b-3a) can be found in the "Hsü Wu Kuei" chapter of the Chuang Tzu; Ch'ü Po-yü (9/3a) is mentioned in the "Jen Chien Shih" chapter of the same text. See the notes on Section 3 of the translation.

The shen hua level of government described in the opening portion of this "Chu Shu" chapter is posited as an ideal. At the same time, as we have seen in analyzing other related concepts,[77] one of the strongest features of the "Chu Shu" political philosophy is that it attempts to provide a practical framework within which the ruling authority can pursue lofty, abstract and often rather nebulous ideals. While asserting that the shen hua level of government is real and attainable, this chapter recognizes the inherent difficulties in attempting to institutionalize such elusive principles. Consequently, it provides a realistic and practicable structure of political administration which can function as a controlled environment in which these abstract principles can be nurtured and encouraged. This realistic and practicable level of government is characterized as shih pu te wei fei 使不得為非, an expression which as a principle of political control has very strong Fa-chia associations.[78] Laws are depicted as a device available to the ruler for controlling his underlings (9/14b): 故法律度量者.人主之所以執下.釋之而不用.是猶無轡銜而馳也.群臣百姓.反弄其上.是故有術則制人.無術則制於人.

> Thus, since laws and measurements[79] are the ruler's means of controlling his subordinates, to discard them is like trying to gallop without a harness and bit, and will ultimately reverse the situation and enable the various ministers and common people to manipulate the ruler. For this reason, those who have methods of statecraft control others, while those without them are controlled by others.

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[77] For example, see Chapter II, Wu-wei.

[78] See Han Fei Tzu 355:3:

夫聖人之治國.不恃人之為吾善也.而用其不得為非也.

Ch'en Ch'i-t'ien, Han Fei Tzu chiao-shih p. 17 n7 points out that 恃人為吾善 is a reference to the Confucian principle of 德化. There is a second passage in Han Fei Tzu

Man will not voluntarily regulate his life on the basis of what is good and right (9/16b):

夫民之好善樂正.不待禁誅而自中法度者.萬無一也.
There is not one man in ten thousand who being devoted to goodness and deriving pleasure from proper conduct will voluntarily abide by laws and regulations without being pressed by prohibitions and punishments.

Therefore, it is prudent for the ruler to dissuade his people from doing wrong rather than depending upon them to do right (9/14b):

故治者不貴其自是.而貴其不得為非也.
Thus, in government, causing one's subjects to have no chance to do wrong is valued above any voluntary inclination to do what is right.

Armed with this Han Fei-like insight into human nature, the ruler manipulates the likes and dislikes of his people in dispensing his laws (9/16b):

下必行之令.從之者利.逆之者凶.日陰未移而海內莫不被繩矣.
But if the ruler issues commands which brook no disobedience so that those who accord with them will benefit while those who defy them will bring grief on themselves, before there is time for the shadow of the sun to move, everyone will conform to the rule of law.

If possible, the author of the "Chu Shu" chapter has even less use than Shang Yang or Han Fei for the sophists and itinerant intellectuals who question, criticize and undermine the rule of law (9/9b):

70:12 which has a similar purport:

聖人之治國也.固有使人不得不愛我之道.而不恃人之以愛為我也.恃人以愛為我者危矣.恃吾不可不愛者安矣.

The Shang-chün shu 4/11a, p. 67 also has a similar passage:

所謂明者無所不見則群臣不敢為姦.百姓不敢為非.是以人主處匡床之上聽絲竹之聲而天下治.

The Shang-chün shu passage is subtly and yet significantly different in that intimidation is implied. The subject does

說談者游於辯脩行者競於往.主上出令則非之以與.法令所禁則犯之邪.

The sophists travel about debating and the well-bred vie with each other in pushing themselves forward. With their cliques they criticize the edicts promulgated by the ruler, and with their deviousness they contravene the prohibitions of law.[80]

Persons who would offer advice on the operations of government must be carefully shepherded by the rule of law (9/9a):

言事者必究於法.而為行者必治於官.....言不得過其實.行不得踰其法.

Those who discuss affairs must be closely scrutinized by the law and those who carry out actions must be tested in office....Words are not allowed to exceed real achievement and actions are not allowed to overstep the law.

As we saw in the previous discussion of wu-wei, it is the automatic and mechanical functioning of the system of laws which enables the ruler to reside in his wu-wei posture. Using the familiar analogy of the scales for the objective and impartial law, the text attributes the successful operation of the system to a strict policy of wu-wei (9/4b):

今夫權衡規矩一定而不易.不為秦楚變節.不為胡越改容.常一而不邪.方行而不流.一日刑之.萬世傳之而以無為為之.

Now the scales, the compass and the square once fixed are not changed. They do not alter their graduations for the sake of Ch'in or Ch'u nor do they change their comportment for the sake of the Hu or Yüeh people. Being constant, they do not vary; circulating everywhere, they are nowhere beyond bounds. Having once

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as the ruler wants out of fear. In the Han Fei Tzu case, the subject is not given a choice or alternative, but quite simply must do what the ruler wants.

[79]The fixing of measurements was always considered to be an important responsibility of the ruling authority. See

been regulated, then ten thousand generations pass them on and operate them through non-action.

Like the Fa-chia philosophers, the author of this chapter regards a strictly enforced code of laws to be more crucial to the continued existence of the state than the ruler himself. In fact, the most salient characteristic of a "doomed state" is that it lacks an applied regimen of penal laws (9/13b):

所謂亡國.非無君也.無法也.變法者.非無法也.有法者而不與用無法等.

What is called a "doomed state" does not mean that it is without a ruler, but that it is without laws. "Changing laws" is not being without laws, but having laws and not enforcing them is tantamount to not having any at all.

By contrast, a state with a very bad ruler is not necessarily marked for imminent extinction (9/4b-5a):

故國有亡主而世無廢道.人有困窮.而理無不通.

Hence, there may be a ruler who is fated to lose his state, but there is no such thing as a Way which does not work; there may be people who are nonplused by difficult circumstances, but principles are always applicable.

While insisting that the principle of penal law itself is constant, the "Chu Shu" chapter follows the Fa-chia tradition in accepting the necessity of changing and reformulating the individual laws (9/13b):

變法者.非無法也.有法者而不與用無法等.

"Changing laws" is not being without laws, but having laws and not enforcing them is tantamount to not having any at all.

Altering the law is not to be confused, however, with interpreting and bending the laws to serve the moment.

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for example Lun-yü 41/20/1:

謹權量.審法度.

He was scrupulous about weights and measures and examined standards and measurements with care.

[80]This is the general meaning, but the text is problematic.

The "Chu Shu" interpretation of government is adamant in its insistence upon a system of objective and impartial laws. To emphasize the importance of impartiality, these laws are frequently made analogous to measuring instruments like scales and squares (9/4a-b):

> 衡之於左右.無私輕重.故可以為平.繩之於內外.無私曲直.故可以為正.人主之於用法.無私好憎.故可以為命.
>
> Because in weighing, a pair of scales shows no partiality to either right or left, it can be level. Because in measuring, a plumb line shows no partiality to inside or outside, it can be straight. Because the ruler in administering the law shows no partiality to those he favours, he can be the custodian of fate.

Law neither acknowledges class distinctions nor bends under the hammer of political influence (9/13a):

> 法定之後.中程者賞.鉄繩者誅.尊貴者不輕其罰.而卑賤者不重其刑.犯法者雖賢必誅.中度者雖不肖必無罪.
>
> Once the laws have been fixed, those who satisfy the regulations are rewarded while those who fall short of the line are punished. For the exalted and noble, punishments are not commuted, and for the lowly and base, punishments are not made more severe. Where one violates the law, even if he be a man of superior character, he must be punished. Where one abides by the standards, even if he be a man of little worth, he must be deemed innocent.

While the objectivity and impartiality of the law is a prominent feature of the Fa-chia tradition, the "Chu Shu" chapter goes one step further in regarding penal law as the single and exclusive standard to be used by the government in assessing social conduct. In the above analysis of the Fa-chia position on penal law, we have noted that while the concept of law is put forward as a universal standard, the one conspicuous exception to this standard is the ruler himself. Ultimately, as the final arbiter of the law it is within his power to change government policy and alter the laws. In the Shang-chün shu and Han Fei Tzu, law is recommended

to the ruler as an effective means of subordinating and regulating his people, and is a system of political control contrived with the express purpose of protecting the absolute power of the ruler. By contrast, in the following passage we are given the "Chu Shu" chapter's raison d'etre for government and its bureaucracy (9/13a):[81]

> 古之置有司也所以禁民使不得自恣也.其立君也所以制有司使无專行.法籍禮儀者.所以禁君使无擅斷也.
> The purpose of setting up a bureaucracy in antiquity was to prevent the people from being self-indulgent. That they enthroned a ruler was to control the bureaucracy and prevent it from doing as it pleased. Law, records, social norms and a code of moral conduct are to prevent the ruler from arrogating all decisions to himself.

While the first portion of this passage is entirely consistent with the Fa-chia tradition, the assertion that the laws and social norms have been established to contain the powers of the ruler is an important new idea advanced in the "Chu Shu" chapter. In this chapter, law is elevated to an absolute and exclusive standard which supersedes the will of the ruler. Whereas the Fa-chia theorists in all likelihood regarded any discussion of the relative authority of law and the will of the ruler to be both unnecessary and injudicious, the "Chu Shu" chapter states categorically that the rule of law is the one and only rule in the land. In his role as the custodian of the law empowered to carry out its injunctions, the ruler has an explicit obligation to conform to the standards which he himself enforces (9/13b):

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[81] Cf. Lü-shih ch'un-ch'iu 4/10b:

> 凡君之所以立出乎衆也.立已定而舍其衆.是得其末而失其本.

是故有諸己.不非諸人.無諸己.不求諸人.所立於下者不廢於上.所禁於民者不行於身.... 是故人主之立法.先自為檢式儀表.故令行於天下.

Therefore, what is in oneself should not be condemned in others; what is lacking in oneself should not be expected in others. That which is established below should not be abandoned above; that which is prohibited for the people should not be practiced by oneself....Therefore, the ruler in establishing laws first makes himself a model and example, and thus, his commands are carried out in the world.

Given that the authority of the ruler is limited by the absolute power of the law, the obvious question arises as to the source and trusteeship of the laws. It is apparent that whoever controls the laws controls the ruler. This then is another important innovation in the "Chu Shu" chapter (9/13b):

法生於義.義生於衆適.衆適合於人心.此治之要也.故通於本者不乱於末.觀於要者不惑於詳.法者非天隆.非地生.發於人間而反以自正.

Law comes from rightness, rightness from what the people find congenial, and what the people find congenial is in harmony with the human mind. This is the pivotal point of proper order. Thus, one who understands the root fully will not be confused at the tip, one who sees the pivotal point will not be deluded by details. Laws do not drop from the heavens nor spring forth from the earth. Arising out of human society, they then revert to regulate the society itself.

This "Chu Shu" political philosophy does not accept the Fa-chia assumption that the rule of law should be grounded in the arbitrary dictates of an absolute ruler. Rather, the law is conceived of as an exclusive standard of conduct based upon moral principles which are in turn consistent with what is congenial to and accepted by the majority of the people. The laws are not impressed on society from above, but are generated from within the society to

regulate itself. The general human condition takes precedence over the will of the ruler, and the whole image of the ideal ruler is transformed from that of a despot to a servant of his people dedicated to their benefit and responsible for their welfare (9/7a):

是故人主釋之以德不行其智而因萬人之所利。夫舉錘天下而得所利。

For this reason, putting the whole world under his bounty instead of bringing his own intelligence into play, the ruler follows what the people find beneficial. When he makes the least move, the whole world gets what it finds advantageous.

Above we have seen fa associated with li ("social norms") and yi ("rightness"), and have cited the 9/13b passage which asserts that "law comes from rightness". Again, in the final section of this chapter there are numerous examples which describe the moral ingredient in penal law.[82] For example (9/21b):

府吏守法。君子制義。法而無義非府吏也。不足以為政。

Minor officials keep to the law, but the superior man regulates rightness. Someone who knows only about the law but not about rightness is no better than a minor official, and is not equal to the task of governing.

In injecting this concept of fa with a moral aspect, the "Chu Shu" chapter takes a decided turn in the direction of Confucian theory which regards penal law as a coercive means of enforcing morality to be invoked only where and when education and voluntary compliance break down.

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[82] Because we have some reservations about the final portion of this chapter--it is quite possibly a later accretion--we have tried to avoid basing any crucial aspect of our analysis on this section of the text. For a discussion of its suspect nature, see Appendix III. Here we cite this passage as nothing more than a supporting example.

In summary, we find that the concept of fa in the "Chu Shu" chapter is constructed on a Fa-chia framework. We can identify the following elements as having been assimilated from the Fa-chia tradition:

1) Law in the hands of the ruler is used as an effective tool of political control.[83]

2) Law should function on the principle of preventing man from doing wrong rather than attempting to encourage him to do good.

3) Law is enforced by manipulating human likes and dislikes.

4) Persons prepared to question and criticize the law must be actively discouraged from doing so.

5) The system of laws and its mechanical operation is fundamental to the ruler assuming a wu-wei posture.

6) The system of laws takes precedence over the ruler in terms of relative importance to the state. Whereas the individual qualities of the ruler has only a limited bearing on the future of the state, the condition of the laws is absolutely crucial.

7) Laws must be strictly enforced.

8) Laws, should their effectiveness become impaired, can be reformulated to accommodate changing conditions and circumstances.

9) Laws cannot be interpreted. They stand as an objective and impartial standard which must be universal in its application.

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[83] There is no contradiction in asserting that the ruler uses law to control his subordinates and, at the same time, that the ultimate source and authority for law is the public will. While the laws must be responsive and answerable to the general human condition, on a practical level they are still formulated, articulated, promulgated and enforced by the ruling power.

While accepting the above characteristics from the Fa-chia tradition, the political philosophy presented in this chapter introduces some often radical modifications by:

1) making the will of the ruler subordinate to the rule of law.

2) asserting that law has been established to contain the political authority of the ruler.

3) insisting that the ruler has an obligation to abide by the law and be exemplary in his personal conduct.

4) transferring the ultimate authority of the law from the will of the ruler to what is congenial to and acceptable by the people.

5) regarding the formal structure of government as being nothing more than a practicable and realistic framework in which the ideal of shen hua can be cultivated and the people can be guided through to a thorough and lasting transformation.

These modifications in what superficially appears to be a Fa-chia-oriented method of political control go much further than simply giving basic Fa-chia precepts a new slant. The changes are so basic and essential that in the synthesis the Confucian and Taoist contributions loom larger than the Fa-chia framework on which they are tacked. While the Fa-chia framework gives the system structure, the direction, disposition and orientation of the system is altered to serve much less totalitarian and much more humanitarian ends. Penal law is downgraded to act as a secondary and very much subordinate institution with the main service of providing a practical basis for the real work of government--the education, elevation and ultimate transformation of its people. Penal law has a greenhouse function, creating a controlled environment for the purpose of

nurturing the essential shen hua occupation of government. By insisting that these laws have their basis in the universal moral principles which are at the core of traditional Confucianism, the original Fa-chia notion of penal law is further altered. Again, the absolute power of the ruler characteristic of Fa-chia doctrine has been considerably reduced. In Fa-chia thought, much of the ruler's power is derived from the fact that the law is the embodiment of his will. The "Chu Shu" ruler, by contrast, is deprived of absolute power. Not only is the will of the ruler superseded by the will of the people as the basis of law, but further the ruler himself is made answerable to the law. Of even greater significance, however, is the assertion that laws were originally conceived of as a device for containing the arbitrary and discretionary powers of the ruler.

With such fundamental changes in the two most central and characteristic features of the Fa-chia political philosophy--the role of the law and the role of the ruler--the political doctrine of the "Chu Shu" chapter relinquishes any pretentions at constituting a Fa-chia system of government. As has been our experience in analyzing the other important concepts of the "Chu Shu" chapter, we find that the concept of fa is fundamentally a synthesis of ideas propounded by the pre-Ch'in philosophers--a synthesis achieving its own unique contribution in developing a theory of government which has an unusual degree of success in tempering high ideals with a sensible pragmatism.

CHAPTER V: LI MIN 利民

A. INTRODUCTION

In virtually every chapter in our above analyses of important political concepts, we have met one recurring theme. Throughout the "Chu Shu" chapter there is a sustained attempt to subordinate the interests of the ruler to the welfare of the people. This theme, notably the converse of traditional Fa-chia doctrine, seems to take its mode of expression from the concept being discussed. In our exploration of the term shih 勢 in Chapter I, for example, we found that the relationship between the ruler and his subordinates has to be described in terms of mutual obligations and responsibilities. There is a very real emphasis on the notion that the people will only exert themselves for a ruler who has their welfare at heart. The tempering of this special Fa-chia term shih with what we call "ruler-subject reciprocity" is one shape of the priority given to the welfare of the people.

In our analysis of wu-wei 無為 in Chapter II, we underlined the "Chu Shu" assertion that the interests of the people and the ruler coincide. That is to say, where Fa-chia theory discerns an underlying antagonism between ruler and subject and identifies a tension between private and public interests, the "Chu Shu" political philosophy insists that in benefiting the people, the ruler benefits himself. Again, while the Fa-chia distinction between the ruler and minister reflects a constant struggle for power and privilege, the "Chu Shu" distinction is based on the principle that different things have differing and yet equal value. The ruler-dominated relationship characteristic of Fa-chia doctrine is supplanted by a theory of reciprocity and mutual dependence.

In Chapter IV dealing with penal law and punishments, we discovered that the "Chu Shu" chapter adapts and modifies the Fa-chia conception of fa to such an extent that it drastically alters the very raison d'etre of penal law. Whereas Fa-chia doctrine recommends penal law to the ruler as an effective means of protecting his absolute power, the "Chu Shu" chapter insists that the rule of law is absolute and that the ruler himself is answerable to it. Again, where Fa-chia law reflects the arbitrary and discretionary inclinations of the ruler, "Chu Shu" political theory describes laws as having been generated from within society to regulate itself. Further, these laws are regarded as an exclusive standard of conduct based upon moral principles--moral principles which reflect what the society at large regards as congenial and acceptable.

We have found that in the political philosophy of the "Chu Shu" chapter, these central concepts mesh together and complement each other in rounding out a consistent and functional schema of political control. It is the mechanism of laws and punishments which make it possible for the ruler to assume the ideal wu-wei attitude. Again, his ability to assume such an attitude is in turn correlative to his ability to orchestrate the collective efforts of the people (i.e., to yung chung 用衆) which are expended in each individual finding his own niche (i.e. ke te ch'i yi 各得其宜). In the overall system, the "Chu Shu" ruler finds himself in the position of having to accommodate his government to the natural and particular inclinations of the people and of being governed himself by what the people in general find agreeable.

In preceding chapters of this thesis, attention has been drawn to the "Chu Shu" chapter's attempt to subordinate the interests of the ruler to the welfare of the people. This theme has the prominence and sig-

nificance to the political philosophy as a whole to warrant an independent discussion. In this chapter, the notion of giving priority to the interests of the people can be characterized as li min 利民. Before exploring the historical background to this concept to determine the sources and the orientation of the "Chu Shu" chapter's interpretation, it is perhaps advisable to first define our terms.

As is the case with many if not most moral precepts, virtue is the result of an external and social conformity to a given standard of conduct. When "love" for example is directed at others, it is an acceptable moral precept. When it is turned inwards, however, and directed at one's self, it is not only deprived of its moral attractiveness, but in fact becomes something morally repugnant. The same is true of li 利. While benefiting others is generally regarded as virtuous conduct, a preoccupation with benefiting one's self is regarded as a path in the opposite direction. It would seem to be almost a general principle that the injection of "self" into a code of moral precepts has the effect of changing good and socially redeeming conduct to bad and socially abhorrent behaviour.

In its extended meaning of "benefit, to benefit", the character li 利 has both a positive meaning and a derived pejorative connotation. In its positive sense, li frequently occurs as the rhyming antithesis of hai 害, "harm, to harm", and means to benefit something in a profitable and advantageous way.[1] Again, in its pejor-

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[1] An example of this usage would be Mo Tzu 22/15/1:

仁人之所以為事者必興天下之利除去天下之害.以此為事者也.

The reason for a benevolent man's undertaking an affair must be to foster the benefit of the world and do away with its ills. This is why he undertakes things.

ative sense, li is frequently contrasted with yi 義 :[2] a dedication to the futherance of private interests as opposed to conformity with universal moral principles. Although this contrast would seem to have originated in the Confucian tradition with such passages as Lun-yü 7/4/16:

> 君子喻於義.小人喻於利.
> The superior man understands what is right while the inferior man understands what is personally profitable.

it spread rapidly to become a characteristic comparison in early Chinese literature.

In the "Chu Shu" chapter as in most other early texts, we find li applied socially to represent the positive meaning of "benefit, to benefit" and applied personally with the pejorative sense of "self-interest". In fact, as we shall see, the "Chu Shu" chapter uses this bi-directional characteristic of moral principles as flux in fusing the basically Fa-chia notion of manipulating the natural human devotion to self-interest onto the Confucian-Mohist principle of li min--"benefiting the people".

B. SZU LI 私利 : SELF-INTEREST

In the "Chu Shu" chapter there is the following assertion (9/16b):

> 夫民之好善樂正.不待禁誅而自中法度者.萬無一也.下必行之令從之者利.逆之者此.日陰來物而海內莫不被繩矣.
> There is not one man in ten thousand who being devoted to goodness and deriving pleasure from proper conduct will voluntarily abide by laws

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[2] At times it is also contrasted with shan 善 . See Mencius 53/7A/25. While li 利 and yi 義 do not usually constitute a rhyme, Lo Ch'ang-p'ei p. 161 does cite one Eastern Han example.

> and regulations without being pressed by prohibitions and punishments. But if the ruler issues commands which brook no disobedience so that those who accord with them will benefit while those who defy them will bring grief on themselves, before there is time for the shadow of the sun to move, everyone will conform to the rule of law.

This statement has two significant implications. It implies first that man is motivated by personal profit, and second that the ruler can use this insight into human nature to manipulate the energies of his people and exploit their strength for his own purposes. Such an attitude can lead to a very close affinity with the Fa-chia tradition. The Shang-chün shu 2/7a pp. 28-9, for example, arrives at a similar insight into human nature which it then turns to political advantage:[3]

> 民之生.度而取長.稱而取重.權而索利.明君愼觀三者.則國治可立.而民能可得.
>
> The nature[4] of man is such that having measured alternative things he takes the longest, having weighed them he takes the heaviest, and having weighed them up he takes what is personally beneficial. Where the perspicacious ruler pays close attention to these three, national order can be established and the talents of the people can be exploited.

Again, the Han Fei Tzu 314:3 follows the Shang-chün shu in recognizing the potential political power to be found in manipulating the human propensity for self-interest:

> 聖人之所以為治道者三.一曰利.....夫利者.所以得民也.
>
> The means whereby the sage achieves proper order are three. The first is called profit....Profit is his means of winning over the people.

There is a second passage in Han Fei Tzu 167:10 which has a similar purport:

> 公不知治.有威足以服人.而利足以勸之.故能治之.
>
> You, Sir, do not know how to effect proper government. Because authority is enough to subjugate others and

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[3] See also Shang-chün shu 2/4a (pp. 26-8) and 3/4a-b (p. 39).

[4] Reading 生 as 性 .

personal profit is enough to encourage them, one is able to govern them properly.

In fact, the central Fa-chia concept of reward and punishment is rooted in the conviction that man can be led by feeding his instinct for self-interest (Han Fei Tzu 26:15):

明主之所導制其臣者.二柄而已矣.二柄者.刑德也.何謂刑德.曰殺戮之謂刑.慶賞之謂德.為人臣者畏誅罰而利慶賞.故人主自用其刑德.則群臣畏其威而歸其利矣.

The means by which the perspicacious ruler guides and controls his ministers is simply the "two handles". These "two handles" are punishment and bounty. What is meant by punishments and bounty? Maiming and execution are punishments, while dispensations and rewards are bounty. Because those who act as ministers fear punishments and penalties but are attracted by profit from dispensations and rewards, if the ruler keeps the use of punishments and bounty in his own hands, the various ministers will fear his authority and hasten to receive his profits.

This observation is reiterated in Han Fei Tzu 367:2:

而好惡者.上之所制也.民者好利祿而惡刑罰.上掌好惡以御民力.事實不宜失矣.

But the things which the people like and dislike are controlled by the ruler. The people like personal profit and emoluments but dislike punishments and penalties. Where the ruler manipulates the people's likes and dislikes to command their strength, there is no reason for him to fail in his undertakings.[5]

While the "Chu Shu" chapter does seem to incorporate this basically Fa-chia notion of manipulating man's self-interest, it modifies it substantially by asserting that the interests of the ruler coincide with those of his people. That is to say, in benefiting his people, the ruler is benefiting himself. Again, there is a perhaps subtle yet significant difference between the Fa-chia device of manipulating one self-interest to override another, and the

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[5] Although this last phrase appears to be corrupt, this would seem to be the meaning.

"Chu Shu" attitude of devising a system whereby it pays people to conform to the rule of law. If we take military conscription as an example to illustrate this difference, Fa-chia theory would anticipate a man's fear of being killed on the battlefield and, stemming from this fear, an attempt to evade the draft. As a result, the Fa-chia theorists would lay down penalties for draft evasion so severe and terrible that the individual's concern for his immediate well-being and the welfare of his family would cancel out the more remote fear of being killed on the battlefield.[6] They would thus use one manifestation of self-interest to defeat another.

The "Chu Shu" position, by comparison, is suspended somewhere between Fa-chia and Confucian doctrine. It observes that most people operate on the basis of personal incentives rather than moral conviction. If the ruler makes it pay for his subjects to conform to the law, he will have little opposition in maintaining social order. To use the conscription example, the "Chu Shu" position would probably be receptive to a combination of:

1) incentives for voluntary recruits--officer training, choice of location of service, shorter term of service.

2) discouragements for conscripts--front line service, non-commissioned rank, longer term of service.

3) deterrents for would-be draft evaders--severe punishments and social ignominy.

While in Fa-chia theory the accent is unquestionably on punishments and coercion, this "Chu Shu" chapter puts more store in the notion of incentives and willing compliance.

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[6] See Shang-chün shu 4/9a-b (p. 65) for an example of this attitude.

In this same portion of the "Chu Shu" chapter, the ruler is encouraged to use the natural disposition of man towards his own self-interest as a device for winning popular support (9/17a):[7]

夫防民之所害.開民之所利.威行也.若發城決塘.故循流而下易以至.背風而馳易以遠.

If the ruler prevents that which injures the people while encouraging that which brings them benefit, his authority will prevail like the opening of a dike or the breaking of a dam. Hence, if one goes downstream with the current, he will easily get to his destination; if one gallops along with the wind at his back, he will easily travel far.

The Fa-chia element in the above passage lies in the primacy given to maintaining the ruler's political position and authority.

It might be suggested that generally speaking, the Fa-chia theorists, ever preoccupied with the ruler's interests, show little concern for the welfare of the people. This is of course true. But where it is convenient or expedient, the Fa-chia thinkers are not adverse to benefiting the people.[8] For example, Fa-chia theory

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[7] That this section by itself could be construed as describing Confucian theory is borne out by a similar idea and metaphor found in Mencius 27/4A/10:

失其民者.失其心也.得天下有道.得其民.斯得天下矣.得其民有道.得其心.斯得民矣.得其心有道.所欲與之聚之.所惡勿施爾也.民之歸仁也.猶水之就下.獸之走壙也.

Those who lose the people lose their hearts. There is a Way of winning the empire: to win over the people is to win the empire. There is a Way of winning over the people: to win their hearts is to win the people. There is a Way of winning their hearts: simply accumulate that which the people desire on their behalf and refrain from giving them what they dislike. The people flocking to the benevolent is like water rushing downhill or wild animals scampering into the bush.

For similar passages, see Hsün Tzu 45/12/32 and 57/15/102.

puts great store by law and order because law and order is regarded as a necessary condition for political strength and stability which is very much in the interests of the ruler. The fact that a degree of law and order generally makes life more pleasant for the people is a convenient coincidence, but certainly cannot be considered a primary motivating factor. Thus, where the Fa-chia diverges from the mainstream of Chinese political theory is in their conception of the purpose of government. The spirit of the following Shu-ching 080087 passage was accepted by Confucius as the basis of his political doctrine and transmitted down through the Confucian-Mohist traditions:

> 民惟邦本.本固邦寧.
> It is the people who are the root of the state. Where the root is secure, the state will be at peace.

The Fa-chia thinkers, on the other hand, were adamant that the purpose of government is for the sole intention of serving the ruler's interests. Where benefiting the

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[8] See for example the Han Fei Tzu 72:9:

> 而聖人者.審於是非之實.察於治亂之情也.故其治國也.正明法.陳嚴刑.將以救群生之亂.去天下之禍.使強不陵弱.衆不暴寡.耆老得遂.幼孤得長.邊境不侵.君臣相親.父子相保.而無死亡係虜之患.此來功之至厚者也.愚人不知.顧以為暴.
>
> It is in fact the sage who examines the realities of right and wrong and investigates the basic nature of chaos and proper order. Thus, in governing the state properly, he rectifies clearly articulated laws and implements severe punishments in order to save sentient beings from chaos, to rid the world of its calamities, to prevent the strong from outraging the weak and the many from riding roughshod over the few, to allow the aged to see out their years and the young and orphaned to reach maturity, to ensure that the borderlands are not invaded, that ruler and min-

people is conducive to this end, Fa-chia doctrine says benefit them, but where the interests of the ruler and people are at cross purposes, there is no question that the ruler's interests must be served.

Therefore, Section 15 in our translation of the "Chu Shu" chapter which discusses li min contains two principles:

1) the ruler can control the people by manipulating their instinct for self-interest.

2) the ruler can consolidate and expand his influence by benefiting the people.

While the first assertion is purely Fa-chia, the second can be interpreted as a synthesis between the Fa-chia's preoccupation with the interests of the ruler and the Confucian belief that the interests of the ruler and those of the people are one and the same. This leads us into the next portion of the "Chu Shu" chapter which, for the most part, represents an important Confucian-Mohist contribution to the political theory.

C. LI MIN 利民 : BENEFITING THE PEOPLE

As noted above, the concept that the people are the root of the state is a relatively early position in the development of Chinese political thought. In the Shu-ching we find statements such as (080087, 040299,[9] 210279[10]):

民惟邦本本固邦寧.
It is the people who are the root of the state. Where the root is secure, the state will be at peace.

天聰明自我民聰明.
Heaven hears and sees as my people hear and see.

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ister are intimate, that father and son look out for each other, and that all escape the disasters of death on the battlefield and capture by the enemy. This then is the highest degree of accomplishment, and yet stupid people do not under-

天矜于民.民之所欲.天必從之.

Heaven is sympathetic to the people. What the people want, Heaven is certain to pursue.

Again, in the following Tso chuan 165/文13/3左 passage, the position of ruler is defined in terms of his obligations and responsibilities to his people. The welfare of the people is unambiguously placed ahead of the personal interests of the ruler:

鄀文公卜遷于繹.史曰.利於民而不利於君.鄀子曰.苟利於民.孤之利也.天生民而樹之君.以利之也.民既利矣.孤必與焉.左右曰.命可長也.君何弗為.鄀子曰.命在養民.死之短長.時也.民苟利矣.遷也.吉莫如之.遂遷于繹.五月.鄀文公卒.君子曰.知命.

Duke Wen of Chu divined about moving to Yi. The diviner said: "It will be beneficial for your people, but not for you." The Duke said: "If it will benefit my people, it is to my benefit. Heaven in giving birth to the people set up a ruler in order to benefit them. When the people are benefited, I will certainly share in it." His advisors said: "Your life could be prolonged--why not forget it?" The Duke replied: "My life lies in nurturing my people; whether I die sooner or later is only a matter of time. If the people will benefit, we move. Nothing could be more propitious." They thereupon moved to Yi, and in the fifth month, Duke Wen of Chu died. The superior man comments: "He knew his duty."

This traditional concept that the people are the root of government was absorbed into the Confucian doctrine at its inception to become the foundation of its political philosophy. Following from an acknowledgement of this basic principle, the Confucians insist that

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stand it as such, and regard it as tyranny. See also Shang-chün shu 1/12a-b (pp. 17-18), 2/11a (p. 33).

[9]A similar passage is cited in Mencius 36/5A/5. When juxtaposed with the concept of t'ien ming 天命, this statement means that the king's rule is in fact a mandate from his people.

government must function for the sake of its people, and that the power and stability of the ruler is directly linked to the degree of his success in advancing the people's interests. This Confucian emphasis on the welfare and primary importance of the people is demonstrable by a quick survey of their representative texts.

Lun-yü 41/20/2:[11]

子曰. 因民之所利而利之. 斯不亦惠而不費乎.

The Master said: Promoting that which the people find to their advantage--is this not being bountiful at no cost to oneself?

Mencius 31/4B/16:[12]

孟子曰. 以善服人者. 未有能服人者也. 以善養人. 然後能服天下. 天下不心服而王者. 未之有也.

Mencius said: There has never been a man who succeeded at subjugating others with his goodness. Only in using this goodness for the welfare of others is one able to subjugate the empire. There has never been a True King without the empire's sincere allegiance.

Hsün Tzu 26/9/21:[13]

傳曰. 君者舟也. 庶人者水也. 水則載舟. 水則覆舟. 此之謂也. 故君人者欲安. 則莫若平政愛民矣.

Tradition has it: "The ruler is the boat, the common people are the water. While the water can support the boat, it can also capsize it." This is what it means. Therefore, if the superior man wants security, nothing is better than being equitable in his government and loving his people.

Lü-shih ch'un-ch'iu 4/7a:

義之大者莫大於利人. 利人莫大於教.

Among great acts of rightness, none is greater than benefiting others, and in benefiting others, nothing is greater than instructing them.

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[10] Cf. Tso chuan 334/襄31/4左 and 339/昭1/2左, and Kuo-yü 1679 and 11638.

[11] See also Lun-yü 23/12/7.

[12] See also Mencius 19/3A/4 and 27/4A/10.

[13] See a similar passage in Hsün Tzu 107/31/30.

A popular Confucian metaphor for the relationship between the ruler and his people is that of parent and child, the welfare of the child being the parents' most vital responsibility and concern (Ta-hsüeh 10):[14]

詩云.樂只君子.民之父母.民之所好好之.民之所惡惡之.此之謂民之父母.

The Shih-ching says:[15] "How happy is this ruler, the father and mother of his people." That which the people like, he likes; that which they dislike, he dislikes--this is what is meant by a father and mother to the people.

While the notion of government for the people is certainly a feature of the pre-Ch'in Confucian tradition, it was by no means their exclusive property. Early on it was absorbed and elaborated upon by the Mohists, again becoming the central principle of their political thought (Mo Tzu 11/9/53):[16]

然則富貴為賢以得其賞者誰也.曰.若昔者三代聖王堯舜禹文武者是也.所以得其賞者何也.曰.其為政乎天下也.兼而愛之.從而利之.又率天下萬民以尚尊天事鬼.愛利萬民.是故天鬼賞之.立為天子.以為民父母.

Who would you name as persons who, while being wealthy and occupying high position, received rewards for being superior in character? I would say that the sage-kings of the Three Dynasties in ancient times--Yao, Shun, Yü, Wen and Wu--were such men. What did they do to receive the rewards? In governing the empire, they loved the people without distinction, further benefited them, and finally led the people of the empire in esteeming and exalting Heaven and serving the spirits. Because they loved and benefited the people, Heaven and the spirits rewarded them, enthroning them as the Son of Heaven and making them father and mother to the people.

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[14] See also Mencius 12/2A/5, Hsün Tzu 65/18/22 and 75/19/109, Ta-hsüeh 9.

[15] Ode 172.

[16] See also Mo Tzu 12/9/66, 22/15/1, 33/19/62, 53/31/107, 62/37/44.

In the several centuries from Confucius down to the Western Han, Confucian thought underwent a process of doctrinal development. This development has left seminal Confucian ideas and Han Confucian ideas so radically and essentially distinct that some scholars have refused to call early Han thinkers "Confucian" at all. Nonetheless, perhaps one important thread of continuity is the concept of government for the people. Among Western Han Confucians, Chia Yi can almost be taken as typical in his emphasis on the ruler's obligation to govern for the benefit of the people (Chia t'ai-fu hsin-shu 9/下卷 43a):

> 聞之於政也.民無不為本也.國以為本.君以為本.吏以為本.故國以民為安危.君以民為威侮.吏以民為貴賤.此之謂民無不為本也.
>
> I have heard that with respect to government, the people are the root of everything. They are the root of the state, the ruler and the officialdom. Thus, whether the state is stable or unstable depends on the people; whether the ruler is held in awe or viewed with contempt depends on the people; whether the officials are noble or base depends on the people. This is what is meant by the people being the root of everything.

Again, in the same text (9/下卷 48b):

> 故夫士民者.國家之所樹.而諸侯之本也.不可輕也.
>
> Therefore, the people are that on which the state stands and the root of the various nobles. They cannot be treated lightly.

This entire "Ta Cheng" chapter of the Hsin-shu is devoted to the thesis that the people are the root (本), the destiny (命), and the strength (力) of the nation.

Tung Chung-shu defines the position of ruler in terms of his ability to win over and retain the support of the people (5/1a and 7/14a):[17]

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[17] For further discussion of Tung Chung-shu see Hsü Fu-kuan's Liang-Han ssu-hsiang shih II. The first passage here can be used to illustrate what we would suspect to

王者民之所往君者不失其群者也故能使萬民往之而得天下之群者無敵於天下.

A King (王) is one who the people flock to (往); a ruler (君) is one who does not lose the masses (群). Therefore, one who can make the myriad people flock to him and can gain the support of the masses is without equal in the world.

且天之生民非為王也而天立王以為民也故其德足以安樂民者天予之其惡足以賊害民者天奪之.

Moreover, where Heaven's giving birth to the people is not for the sake of the king, its enthroning the king is for the sake of the people. Therefore, Heaven will employ one whose virtue is sufficient to make the people peaceful and happy, but will dismiss one whose wickedness is sufficient to cause them injury.

In the Huai Nan Tzu itself, the concept of li min can be found in every corner of the text, and is unquestionably one of its main themes (2/12b and 13/3a):[18]

古者至德之世貴便其肆農樂其業大夫安其職而處士脩其道當此之時風雨不毀折草木不夭九鼎重味珠玉潤澤洛出丹書河出綠圖故許由方回善卷披衣得逮其道何則世之主有欲利天下之心是以人得自樂其閒.

In antiquity during an era of the highest virtue, the merchants were contented with their shops, the farmers were pleased with their occupation, the ministers were comfortable in their offices and the recluses cultivated their tao. At this time, the winds and rains did not cause damage and destruction, the grasses and trees did not die prematurely, the nine ceremonial vessels were heavy, pearls and jade were lustrous, the Lo river gave

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be a strong Hsün Tzu influence on Tung Chung-shu. Compare, for example, the following passages in Hsün Tzu 29/9/75: 君者善群也 and in 46/12/43: 君者何也曰能群也.

[18] For passages with a similar theme, see also 7/7b, 10/9b, 15/4a and 19/2a.

forth the Tan-shu and the Yellow river produced the Lü-t'u. Therefore Hsü Yu, Fang Hui, Shan Chuan and P'ei Yi each attained the tao. How was this? It was because the ruler of the age was of a mind to benefit the empire, and hence the people were able to enjoy themselves each in his own way.

治國有常而利民為本政教有經而令行為上。苟利於民。不必法古。苟周於事。不必循舊。

The administering of a nation has its constants, and takes benefiting the people as its root. Political instruction has its permanent aspects, and takes obedience to command as its most crucial. If something is beneficial to the people, it need not be in imitation of the ancients; if it is everywhere commensurate with affairs, it need not follow old ways.

The "Chu Shu" chapter is certainly no exception--as we have noted above, the notion of li min in the sense of giving primary consideration to the welfare and interests of the people is an aspect of almost every major concept in this chapter's political thought. Where li min is only an implication of the other main concepts in the political system and receives only incidental treatment in those portions of the chapter having a different focus, Section 16 is given over wholly to a discussion of this one theme, culminating in the following description of the former kings (9/19a-b):

先王之所以應時脩備。富國利民。實曠來遠者。其道備矣。非能目見而足行之也。欲利之也。不忘於心則官自備矣。心之於九竅四肢也。不能一事焉。然而動靜聽視皆以為主者。不忘于欲利之也。

The former kings in making preparations in accordance with the proper time, enriching the country and benefiting the people, in settling unpopulated areas and attracting those from a distance, showed that in their Way nothing was left out. It is not that they as the heart could be the eyes and feet in seeing and carrying things out. But so long as the heart never loses sight of wanting to benefit the other organs, those organs will fulfil their functions of their own accord. The heart in its

relationship to the nine orifices and the four appendages is not able to do the job of any one of them, and yet in moving, listening and looking all depend on it for direction. This is because it never loses sight of wanting to benefit them.

The attitude of li min described here is a lofty ideal, but what are the practical measures necessary to realize this ideal? The first consideration must be the economic health of the people. This consideration begins with frugality as standard government policy (9/10b):[19]

君人之道.處靜以修身.儉約以率下.
The Way of the ruler is to cultivate his person by dwelling in quietude and to lead his subjects with frugality and moderation.

Since extravagance on the part of the ruler is always a direct drain on the energies and resources of the people, it encourages social dissatisfaction and unrest (9/10b):[20]

是故人主好鷙鳥猛獸.珍怪奇物.佼躁康荒.不愛民力.馳騁田獵.出入不時.如此則百官務亂.事勤財匱.萬民愁苦.生業不修矣.人主好高臺深池.雕琢刻鏤.黼黻文章.絺綌綺繡.寶玩珠玉.則賦斂無度.而萬民力竭矣.

Therefore, if the ruler has a penchant for predatory birds and ferocious animals, rare and exotic things, and is crafty, nervous, anxious and disorderly, if he is not sparing with the efforts of his people, enjoys horses and hunting and takes to the field at whatever time he pleases, then the duties of his

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[19] The Confucian texts also extol moderation. For example, the Lun-yü 1/1/5:

子曰.道千乘之國.敬事而信.節用而愛人.使民以時.
The Master said: In governing a thousand chariot state, the ruler must be earnest in his affairs and have the confidence of the people. He must be frugal in expenditures and love his people, and must conscript the people only at the appropriate times.

See also Lun-yü 23/12/9, Mencius 19/3A/3 and 52/7A/23. Frugality is of course a central tenet of the Mohist doctrine--the "Chieh Yung" chapter is devoted to this one theme. Again, the condemnation of music and elaborate funerals is primarily based on this principle of governmental thrift.

bureaucracy are thrown into disorder and hard work will mean less wealth, the people will be miserable and distressed, and their means of livelihood will not be kept in proper order. Where the ruler is fond of high pavillions, deep ponds, sculptured and engraved ornamentation, beautifully colourful patterns, fine linen and embroidery, precious stones and jewels, then his taxes will be exorbitant and the energies of the common people will be utterly spent.

Poverty and deprivation among the people and an extravagant court are certain signs of bad government and impending political decline (9/11a):[21]

衰世則不然。一日而有天下之富，處人主之勢，則竭百姓之力以奉耳目之欲。志專在于宮室、臺榭、陂池、苑囿、猛獸、熊羆、玩好、珍怪是故貧民糟糠不接於口，而虎狼熊羆厭芻豢。百姓短褐不完，而宮室衣錦綉。人主急茲无用之功，百姓黎民顧賴於天下，是故使天下不安其性。

When the age is in decline, however, it is different. The ruler, once having gained the wealth of possessing the empire and having occupied the purchase attendant upon his position, will then exhaust the energies of the common people in catering to his own desires. His mind is wholly preoccupied with buildings, pavillions, ponds, gardens, ferocious animals, precious stones and exotic objects. Consequently, the poor people do not even have dregs and chaff to eat and yet the tigers, wolves and bear fill themselves on the various kinds of meat; the common people are sparsely clothed in coarse rags[22] and yet palaces and halls are draped with silk and embroidery. The ruler gives priority to these kinds of enterprises which serve no useful purpose, and the people of the empire become haggard and gaunt. Thus it is that he causes the empire to become discontented with its way of life.

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[20] Cf. Mencius 2/1A/4 to this 9/10b and the following 9/11a passage. King Hui of Liang is condemned for his thoughtless extravagance--"allowing animals to devour men." The ruler can only enjoy his luxury when it is willingly sponsored by his people (Mencius 1/1A/2).

[21] See also 9/2a.

[22] Emending this phrase to read: 粗褐不完。

Because of the ideal ruler's concern for the welfare of his people, his reign, far from being the acme of personal luxury and comfort, is a time of singular hardship and sacrifice (9/10b-11a):

> 堯之有天下也非貪萬民之富而安人主之位也以為百姓力征強凌弱衆暴寡於是堯乃身服節儉之行而明相愛之仁以和輯之是故茅茨不翦采椽不斲大路不畫越席不緣大羹不和粢食不鬥迎時行教勤勞天下周流五嶽豈其奉養不足樂哉舉天下而以為社稷非有利焉年衰志憒舉天下而傳之舜猶卻行而脫蹤也
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> In accepting the empire it was not that Yao coveted possession of the world or coveted the ease of being ruler. Seeing that the common people struggled among themselves, the strong dominating the weak and the many oppressing the few, Yao then personally comported himself in accordance with moderation and frugality, and elucidating the virtue of mutual love, he brought the people together in harmony. Therefore, the roofing thatch was not trimmed, the rafters were not cut and finished, the ruler's carriage was not ornamented, mats were not hemmed, pottage was not seasoned, and grain was not polished, going on his progression and spreading his guidance, he laboured assiduously in the empire and travelled to each of the five sacred peaks. Surely the lifestyle of the emperor could not bring anything but enjoyment and yet he took the whole empire for the sake of the empire and not because he derived any personal benefit from it. When he became old and weary and abdicated in favour of Shun, it was just like stepping back and kicking off his sandals.

On the negative side, the ruler can find no relish in the luxuries available to his office if his people are deprived of a reasonable existence (9/17a-b):[23]

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[23] Cf. Shuo yüan 20/5a which contains a passage attributed to Mo Tzu which may have come from the missing "Chieh Yung" chapter:

> 故食必常飽然後求美衣必常暖然後求麗居必相安然後求樂為可長行可久先質而後文此聖人之務
>
> Therefore, in food we must make sure that everyone has sufficient before worrying about delicacies; in clothing we must make sure that everyone is warm

高臺層榭.棟屋連閣.非不麗也.然民無掘穴狹廬所以託身者.明主弗樂.肥醲甘腕.非不美也.然民有糟糠菽粟不接於口者.則明主弗甘也.匡牀翦席非不寧.然民有邊城.犯危難.澤死暴骸者.明主弗安也.

It is not that high pavillions and storied buildings connecting halls and towers are not magnificent. But where his people do not even have caves or thatched huts in which to find shelter, a perspicacious ruler does not enjoy them. It is not that fat meats, rich wines, sweetmeats and delicacies are not delicious. But where his people do not even have dregs or bare staples to put into their mouths, the perspicacious ruler finds no relish in them. It is not that a peaceful bed and soft matting are not agreeable. But where his people are dwelling in the remotest frontier settlements, brave every kind of peril, and finally perish with their bones bleaching in the sun, the perspicacious ruler finds no comfort in them.

The ruler comports himself in a manner consistent with the conditions prevailing among his people, only initiating pleasurable leisure activities when times are good (9/17b):[24]

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before worrying about fashion; in shelter we must make sure that everyone is comfortable before worrying about pleasure. What can be regarded as the important principle of conduct here is that the essentials must take priority over luxuries.

[24]Cf. Mencius 5/1B/1:

臣請為王言樂.今王鼓樂於此.百姓聞王鐘鼓之聲.管籥之音.舉疾首蹙頞而相告曰.吾王之好鼓樂.夫何使我至此極也.父子不相見.兄弟妻子離散.....此無他.不與民同樂也.今王鼓樂於此.百姓聞王鐘鼓之聲.管籥之音.舉欣欣然有喜色而相告曰.吾王庶幾無疾病與.何以能鼓樂也.無他.與民同樂也.今王與百姓同樂則王矣.

Let me explain to you about pleasure. Now say that Your Majesty had a musical performance here. If the common people on hearing the sound of your bells and

故古之君人者.其憂恤於民也.國有飢者.食不重味.民有寒者.而冬不被裘.歲發民豐.乃始縣鐘鼓.陳干戚.君臣上下.同心而樂之.國無哀人.

Therefore, the ruler of antiquity was concerned about the hardships of his people to the extent that if there were starving people in his state, at each meal he would have only one single dish, and if there were freezing people, in winter he would not attire himself in fur garments. Only when the harvest was good and the people had plenty would he then set up the bells and drums and display the shields and axes, and with ruler and subject, superior and subordinate all with one mind enjoying these, there will be no one left out in the whole state.

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drums and the tune of your pipes and flutes, with aching hearts and furrowed brows, all said to each other: "Since our king is fond of music, how can he push us into these dire straits? Fathers and sons do not see each other; brothers, wives and children are separated and scattered."...This is precisely because you do not share your pleasure with the people.

Now say again that Your Majesty had a musical performance here. If the common people on hearing the sound of your bells and drums and the tune of your pipes and flutes, with bright eyes and happy faces, all said to each other: "Our king must be free of illness, or how could he have a musical performance?" ...This is precisely because you share your pleasure with the people.

Now were Your Majesty to share your pleasure with your people, you would be a True King.

To appreciate this passage, the reader should be aware of the homographic relationship between "pleasure (樂)" and "music (樂)". Also, one does well to bear in mind the traditional Chinese understanding of the virtue of music. Music was seen as more than entertainment. It was regarded as an effective means of syncronizing, harmonizing and reconciling the various social relationships. Its function was to bring together. In this passage from the Mencius, the notion of the ruler enjoying music while the families of his people are being separated and scattered does more than spotlight the ruler's lack of con-

Not only should the ruler's leisure activities reflect the conditions prevalent among his people, but more important, the taxes levied to support these leisure activities should be commensurate with the economic capabilities of his subjects (9/17a):[25]

人主租斂於民也必先計歲收量民積聚知饒饉有餘不足之數然後取車輿衣食供養其欲.

The ruler in levying his taxes on the people must first calculate the yearly income, assess the accumulated stores of the people, and know the extent of surplus or shortage in the yearly harvest before exacting enough to cover his carriages, clothing and food, and to satisfy his desires.

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cern for his people. It underscores his inability to grasp the essential purpose of music. See also Mencius 1/1A/2.

[25]This same concern over an equitable system of taxation which will take into account the condition of the harvest is an important theme in the Mencius (1B/3A/3):

龍子曰.治地莫善於助.莫不善於貢.貢者校數歲之中以為常.樂歲粒米狼戾.多取之而不為虐.則寡取之.凶年糞其田而不足.則必取盈焉.為民父母.使民盼盼然.將終歲勤勤.不得以養其父母.又稱貸而益之.使老稚轉乎溝壑.惡在其為民父母也.

Lung Tzu said: "In administering the land, nothing is better than the chu (助) system and nothing is worse than the kung (貢) system." The kung system is calculating the average yield over a period of several years as the basis of a set tax. In a bumper year when the fields are full of grain and a considerable amount could be exacted without being considered oppressive, the government only takes a little. In a bad year when there is not even enough to fertilize the fields, they insist on the full measure. If the one who should be a father and mother to his people makes them scowl with anger because after having toiled bitterly for a full year they cannot get enough to care for their parents, and have to go out and borrow in order to make up the difference, if he causes the old

On the positive side, the ruler derives pleasure from the prosperity of his people. Thus, he does everything in his power to encourage economic strength and vitality in his domain.[26] This of course begins with an attitude of personal moderation (9/18a):[27]

> 故有仁君明主，其取下有節，自養有度，則得承受於天地，而不離飢寒之患矣。
>
> Thus, when a benevolent and perspicacious ruler is moderate in his taxes and his own expenses, his people will enjoy the bounty of the heavens and the earth and not suffer the miseries of hunger and cold.

He employs the people wisely and instructs them in the most effective way of exploiting their resources (9/18b):

> 食者，民之本也；民者，國之本也；國者，君之本也。是故人君者，上因天時，下盡地財，中用人力，是以群生遂長，五穀蕃植。教民養育六蓄，以時種樹，務脩田疇，滋植桑麻，肥墝高下，各因其宜，丘陵阪險不生五穀者，以樹竹木，春伐枯槁，夏取果蓏，秋蓄疏食，冬伐薪蒸，以為民資。
>
> Food is the foundation of the people, people are the foundation of the state and the state is the foundation of the ruler. Thus, the ruler takes advantage of the appropriate times, makes full use of the earth's plenty and deploys human effort wisely. As a result all living things reach maturity and the five grains thrive. He teaches the people to raise

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> and young to be left abandoned in the gutters, how can he be said to be a father and mother to his people?

See also Mencius 12/2A/5.

[26] Cf. Lun-yü 25/13/9:

> 冉有曰：既庶矣，又何加焉？曰：富之。
>
> Jan Yu said: "When the people are numerous, what else can be done for them?" The Master replied: "Make them prosperous."

See also Mencius 2/1A/7, 6/1B/4 and 52/7A/23.

the six domestic animals, to plant trees at the proper times, to labour diligently in the cultivation of the fields and to plant mulberry bushes and hemp widely, to use each kind of terrain and quality of soil to its best advantage so that on hills and slopes which will not produce the five grains they grow bamboo and wood. In the spring he teaches them to prune out what is rotten and dry, in summer to gather the fruit and berries, in autumn to lay in the vegetables and grains and in winter to cut and gather firewood. This then becomes the basis of the people's livelihood.

While encouraging his people to take full advantage of earth's bounty, the ruler lays down a programme of sensible and almost modern conservation of the environment (9/18b-19a):[28]

故先王之法.畋不掩群.不取麛夭.不涸澤而漁.不焚林而獵.豺未祭獸.置罘不得布於野.獺未祭魚.罔罟不得入於水.鷹隼擊羅網不得張於谿谷.草木未落.斤斧不得入山林.昆蟲未蟄.不得以火燒田.孕育不得殺.穀卵不得探.魚不長尺不得取.鼈不滿卑不得食.是故草木之發若蒸氣.雛獸歸之若流原.飛鳥歸之若煙雲.有所以致之也.

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[27] Cf. Mencius 19/3A/3:

是故賢君必恭儉礼下.取於民有制.
Therefore a ruler of superior character must be respectful and frugal, gentile and modest, and must take from his people only within limits.

[28] This attitude of conservation is reminiscent of Mencius 1/1A/3:

不違農時.穀不可勝食也.數罟不入洿池.魚鼈不可勝食也.斧斤以時入山林.材木不可勝用也.穀與魚鼈不可勝食.材木不可勝用.是使養生喪死無憾也.養生喪死無憾.王道之始也.

If you do not interrupt the important agricultural periods, grain will be more than can be eaten. If fine nets are prohibited from fish pools and ponds, fish and turtles will be more than can be

> In hunting, the laws of the former kings did not permit the extermination of the whole herd or flock or the trapping of the young. They did not allow the draining off of the ponds to fish, the burning down of woods to hunt, the spreading out of nets in the wild prior to the autumn's wild dog sacrifice, the spreading out of nets in the water prior to the spring's otter sacrifice, the spreading out of bird-nets in valleys and river gorges before the autumn falconry, the logging of hill forests before the autumn shedding of leaves, the burning off of fields before the hibernating of the insects. They did not allow the killing of pregnant animals, the collecting of fledglings and bird eggs, the taking of fish less than a foot in length, or the consumption of piglets less than a year old.
>
> Thus, that grasses and trees billowed forth like rising steam, that birds and animals rushed to his domain like a flowing spring, and that birds of the air swarmed to him like clouds of smoke was because he has that which attracts them.

In our analysis of this concept of li min, we have found that the position taken in the "Chu Shu" chapter is for the most part consistent with the pre-Ch'in Confucian texts. What is of particular interest is the degree to which this concern for the general human condition is a feature representative of Western Han Confucianism. Not only is the concept of government for the people one of the strongest themes in the Huai Nan Tzu anthology, but further it is the first principle in the political philosophies of other early Han thinkers--notably, Chia Yi and Tung Chung-shu.

With respect to li min, we have been able to identify a relatively minor Fa-chia contribution in the notion of controlling the people by manipulating the

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> eaten. If hatchets and axes are only permitted in the hill forests at given seasons, there will be more lumber than can be used. If the grains, fish and turtles are more than can be eaten and the lumber is more than can be used, the people can care for the living and bury the dead without remorse. And caring for the living and burying the dead without remorse is the beginning of the Kingly Way.

human preoccupation with self-interest. This element is not really consistent with this chapter's general statement on government for the people, and its insertion here would seem to have been prompted by ambiguities arising when an otherwise viable moral precept is made reflexive. This Fa-chia thesis of manipulating self-interest having been formulated, it is immediately tempered by the Confucian proposition that in fact the interests of the people and their ruler coincide, so that any governmental concession to the interests of the people acts to re-enforce the strength and stability of the government itself.

This concept of li min is overwhelmingly Confucian in its orientation, and without question represents the most important Confucian contribution to the political system propounded in the "Chu Shu" chapter. On one level, this concept is isolated and discussed as an independent idea, but at a lower and more profound depth, the notion of government for the people constitutes the underlying and unifying spirit of the entire philosophy.

CHAPTER VI: PHILOSOPHY OF HISTORY

A. INTRODUCTION

In this section we will examine the "Chu Shu" chapter's conception of history. In attempting to analyze the political philosophy propounded in the "Chu Shu" chapter, it is of some importance to determine exactly how its author saw himself and his era in the historical continuum. While we in the Western world of technological innovation are very much predisposed towards a linear and evolutionary conception of history and accept the "progress" and ascent of man as almost axiomatic, in pre-Ch'in and early imperial China we find history interpreted and explained in several different ways. In order to place the "Chu Shu" interpretation in some context of source and orientation, it will first be necessary to outline these several interpretations of history and identify their salient features.

In the early development of Chinese thought, it is generally agreed that the primary concern was with social and political ideas. Metaphysics, for example, more often than not is best understood as an extension of and perhaps sanction for a particular explanation of man in relation to his society. In much the same way, we find that the conceptions of history sponsored by the various schools of thought are tailored to complement and support their respective human philosophies. Again, because the three most important schools of thought are so radically divergent in their attitudes toward man and his society, it follows that they would construe history in correspondingly different ways. As we shall see, this is indeed the case.

B. THE CONFUCIAN CONCEPTION OF HISTORY

Our project in this section is to determine how representative figures in each of the three main philosophical traditions construed historical change--did they believe that human society 1) had developed and progressed with the passage of time, 2) had certainly changed, but had neither improved nor regressed, or 3) had descended and degenerated from some earlier ideal? As we have observed in our discussion above, when attempting to contrast the main characteristics and attitudes of the early Chinese philosophies, ultimately and invariably we are returned to their disparate interpretations of human nature. In this respect, their conceptions of history are no exception.

Given the Chinese emphasis on human problems, it is not surprising that the primary criterion for evaluating the configurations of history is the degree to which a given era was conducive to the cultivation and realization of their respective human ideals. As our representative of the Confucian tradition, Confucius believes that universal and unchanging moral principles pervading the cosmos extend to man as a vital component of his natural endowment. It is the recognition of these principles, their cultivation in the individual and their extension to the social and political orders which enables man to participate in an essentially moral universe--this then is the "Way" of man. The process of attaining this Way in government and society must begin at the top with the self-realization of the ruler. That is, Confucius advances a notion of education through example which is closely tied to his belief in the efficacy of the ruler's te 德. It is because of the ruler's pivotal and essential position in the chain of influence that Confucius as a trustee of the Way directs his efforts at winning over the

ruler as a convert to the notion of administration by a morally enlightened government. However, because the powers-to-be were recalcitrant and the times were set against the realization of the Way, Confucius and small pockets of like-minded individuals, denied the arena of government service, took it as their life's work to cultivate themselves and transmit their moral principles to succeeding generations. While succeeding generations may have found the times more or less conducive to the embodiment of these universal moral principles in their respective governments, the essential principles are themselves as perennial as life itself. That is to say, these principles are one unchanging factor in the ever-changing sands of history.

As a second constant factor, it would appear that Confucius believed that all men are by nature and innate qualities similar,[1] and that their disparity is a matter of training and instruction. Since the natural endowment of the individual is reasonably consistent, it follows that in each succeeding generation he has the capacity and possibility of realizing the Way in his social relationships and government. And yet, in the Lun-yü we see that some historical periods are accredited with having attained the Way[2] while recent times, for example, are viewed as falling far short of this ideal. The Lun-yü conveys the general impression of a positive and upward trend in the development of human society from ancient times until the early Chou peak. From early Chou times, however, man has been steadily losing ground. Since the natural capacity of the individual to realize the Way is constant and the universal moral principles remain essentially unchanged, what have been the variables which have determined his degrees of success or failure in

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[1] See Lun-yü 32/15/39 and 36/17/2. Cf. Hsün Tzu 8/3/36.

[2] See Lun-yü 5/3/14, 15/8/18, 19, 20 and 22.

past ages? For Confucius, one of the most significant variables is "culture"[3]--the changing mould into which the unchanging moral principles are poured and find their expression. It is the effectiveness of the human institutions and the values which they embody which ultimately determines the degree to which a given era is responsive to the growth and realization of the Way.

Yao and Shun realized the Way in their governments as did the early Chou rulers, and yet Confucius looks to Wen, Wu and the Duke of Chou as his primary exemplars. The potential for the realization of the human moral nature is a constant factor in the course of history--it was there in high antiquity and is still here in the present day. Why then does Confucius favour Chou over the antiquity of Yao and Shun? The answer again lies with "culture".

Because Confucius is convinced that the sage-rulers had cultivated and realized the Way in their personal conduct and in their stewardship of the empire, and had captured and articulated the Way in their teachings and cultural contributions, he treats their words as scripture[4] and their culture as a sacred trust.[5] It is in this respect that he asserts his love for the past[6] and denies any personal contribution to the cultural tradition which he inherited and passed on.[7] He sees ancient culture as a creative embodiment and institutionalization of the universal moral principles which has and can still provide a formal guide for the devel-

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[3]We use the word "culture" in its broadest and most general sense, indicating the sum total of social institutions, customs and values created by man to regulate and refine his inter-personal relationships. It is his formal expression--in social manners, music, literature, art, etc.--of a system of principles and values which in total distinguish civilized man from his primitive antecedents.

[4]See Lun-yü 34/16/8.

opment and fulfilment of the self (Lun-yü 14/8/8):

> 子曰.興於詩.立於禮.成於樂.
> The Master said: Man is inspired by poetry, takes his stand on social norms and is rounded off by music.

It is for this reason that we find a recurring emphasis on "learning (學)" in the Confucian texts--an emulation of the ancients' exemplary model. Also, bound up with this notion of learning there is a respect for reputation and achievement.[8] At the same time, however, Confucius was not so impractical as to suggest that contemporary man should attempt to reconstitute the ancient way of life in modern times. In fact, he specifically rejects this attitude in Chung-yung 28:

> 子曰.愚而好自用.賤而好自專.生乎今之世.反古之道.如此者.裁及其身者也.
> The Master said: To be stupid yet fond of relying on oneself, to be in a low position yet fond of exercising authority, to be born into the modern era yet attempt to return to ancient ways--a person like this will suffer disaster in his own lifetime.

Rather, Confucius sees civilization as an accumulation of culture, planted in the past and groomed through time to the present day. Although Yao and Shun can be extolled for having realized the Way, the scant remnents of their culture are insufficient to serve as a foundation on which to base modern life. Where a detailed and adequate record of some aspects of this culture have been preserved--the Shao dances of Shun, for example--Confucius is certainly not adverse to making full use of them.[9] Again, even the Hsia and Shang cultures can not be recovered because of a lack of preserved documentation and information concerning the customs.[10] The Chou culture, on

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[5] See ibid. 5/3/24, 13/7/23, 16/9/9 and 29/14/35.

[6] See ibid. 13/7/20.

[7] See ibid. 11/7/1.

[8] See ibid. 15/8/19, 35/17/5 and 41/20/1.

the other hand, is not only safeguarded in Confucius' own state of Lu,[11] but further, coming after the Hsia and Shang, it had the benefit of absorbing what was of abiding value from these two earlier traditions (Lun-yü 5/3/14):

> 子曰.周監於二代.郁郁乎文哉.吾從周.
> The Master said: The Chou surveys the two preceding dynasties. How resplendent is the culture! My choice is with the Chou.

Perhaps the most fundamental precept in Confucius' philosophy of education is the notion of education by example. In his efforts to propound a viable social and political system which will not only lift society out of its present difficulties, but further will provide an environment congenial to human fulfilment, Confucius must establish a model to which modern society can aspire. It is not altogether surprising that he chooses the well-defined and unambiguous Chou model over any faintly outlined and insubstantial antique alternative.

Although Confucius idealizes the early Chou period as a "Golden Age" in the development of Chinese civilization,[12] his concept of a Utopian state is not a simple revival of early Chou institutions and culture, but is rather characterized as a coming together and blending of many diverse elements (Lun-yü 31/15/11):

> 顏淵問為邦.子曰.行夏之時.乘殷之輅.服周之冕.樂則韶舞.放鄭聲.遠佞人.鄭聲淫.佞人殆.
> Yen Yüan (Yen Hui) asked how to administer a state. Confucius replied: Use the calendar of Hsia,[13] ride about in the state carriage of Yin,[14] wear the ceremonial cap of Chou, and as for music, there are the Shao dances (of Shun). Ban the sounds of Cheng music and keep sycophants at arm's length because the sounds of Cheng are wanton and sycophants are dangerous.

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[9] Ibid. 5/3/25, 12/7/14 and 31/15/11.

[10] Ibid. 4/3/9.

[11] See Tso chuan 346/昭2/1左 : 周禮盡在魯矣

Though Confucius professes a very real and sincere interest in the formal and ceremonial aspects of culture, what he really strives to understand and to transmit to later ages is the body of moral precepts incorporated into the earlier stages of development (Lun-yü 40/19/22):

衛公孫朝問於子貢曰.仲尼焉學.子貢曰.文武之道.未墜於地.在人賢者識其大者.不賢者識其小者.莫不有文武之道焉.夫子焉不學.而亦何常師之有.

Kung-sun Ch'ao of Wei asked Tzu-kung: "What has Chung-ni learned from?" Tzu-kung replied: "The Way of Kings Wen and Wu has not yet fallen to the ground. Because those of superior character record the significant elements while those without such qualities work on the minor aspects, everyone embodies in some respect the Way of Wen and Wu. What is there that the Master has not learned from? Again, what fixed teacher can there be for this?"

While repeatedly asserting that the ways and customs of the ancients must be preserved,[15] Confucius tempers this respect for antiquity with the practical consideration that this inherited knowledge must be made relevant and responsive to prevailing circumstances (Lun-yü 3/2/11):[16]

子曰.溫故知新.可以為師矣.

The Master said: He who in reviewing the old can come to know the new has the makings of a teacher.

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[12] Ibid. 12/7/5 and 35/17/4.

[13] While the calendars of Chou and Yin took the 11th and 12th months of the lunar calendar respectively as the first month of the year, only the Hsia was reputed to have a calendar which began the year with the first month of the lunar calendar.

[14] The state carriage of Yin was made of wood and was very simple in design. The implication of this phrase is probably that Confucius preferred the austere appearance of this vehicle to the ornate and perhaps overly extravagant coaches of the Chou period.

[15] In the Lun-yü we can detect a very strong sense of mission associated with the preservation and transmission of the Chou culture. See 5/3/24, 13/7/23, 16/9/9 and 29/14/35.

A man must labour assiduously to acquire the knowledge transmitted from ancient times, but even more crucial, he must be able to take it one step further in applying it meaningfully to present conditions (Lun-yü 25/13/4):

> 子曰. 誦詩三百. 授之以政. 不達. 使於四方. 不能專對. 雖多. 亦奚以為.
> The Master said: If a man can recite three hundred of the Odes and yet when given a government post cannot fulfil it, or when sent out to distant quarters cannot speak for the government without waiting for instructions, then although he knows a lot, what good is it to him?

This notion of "practical application" is at the heart of the distinction which Confucius draws between "learning (學)" and "thinking (思)" (Lun-yü 3/2/15):

> 子曰. 學而不思則罔. 思而不學則殆.
> The Master said: He who learns but does not think remains in the dark; he who thinks but does not learn will strain himself.

In summary, Confucius believes[17] that culture--the

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[16] See Lun-yü 2/1/15 and 39/19/6.

[17] The above construction of Confucius' conception of history relies almost entirely on the Lun-yü--the Tso chuan sheds little light on this aspect of his thought. There is a rival characterization of his conception of history which, although ascribed to Confucius, has a very strong Han flavour. In the "Li Yün" chapter of the Li-chi, Confucius contrasts the Utopian ta t'ung 大同 era of high antiquity with the less glorious but more recent hsiao k'ang 小康 era. The most striking points of this contrasts can be itemized as follows:

大 同	小 康
1) ruled by 三代之英 (glossed as the 五帝)	1) ruled by 禹. 湯. 文. 武. 成. 周公
2) no "us"/"them" distinction-love and concern was not graduated but extended to all without distinction	2) love and concern extended exclusively to members of one's own family
3) promotion to office on the basis of merit	3) hereditary offices and titles
4) relationships governed by good faith and sincere affection--natural and spontaneous social bonds	4) li 禮 and yi 義 and a whole system of social values devised to regulate human relationships--social institutions and formal organization

social refinements developed primarily to encourage and articulate proper moral feelings--is cumulative and generally progressive. Whereas man living in high antiquity had the capacity for realizing his moral nature, he was lacking in the cultural institutions and formal guidance necessary to achieve his fullest development. That Yao and Shun were not only able to demonstrate an understanding of the universal moral order in their conduct and administration, but further, were able to make a signal and lasting contribution to China's emerging civilization was due more to their own personal excellence than to the congeniality of their environment. By the early Chou period, however, the development and accumulation of Chinese culture had culminated in a sophisticated pattern for social intercourse, providing fertile ground in which to nurture and encourage man's moral nature. The cultural institutions and conventions established by the earlier sages who themselves had realized the Way were adapted to structure society and guide contemporary man towards a similar level of existence. As such, for Confucius, the early Western Chou periods marks a high point in the development and evolution of Chinese society. Unfortunately, however, this high point was short-lived. Having achieved the "Golden Age" of early Chou, man was gradually deflected

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5) property shared by all	5) private property
6) people laboured for the common good	6) people labour for private gain
7) no thieves or rebels	7) thieves and rebels arise because of unnatural social values

While this Li-chi portrayal of Confucius is not consistent with the Lun-yü and cannot be accepted as representing his conception of history, we include it here in some detail as a basis for future comparison. The knitting together of the almost Taoist ta t'ung Utopia and the Confucian hsiao k'ang society has an eclecticism which points to the Western Han.

from the Way by ever heightening political strife. By the end of Western Chou, the political institutions had been drained of any substance and the Chou kings had become puppets manipulated by ambitious feudal lords. In the process of degeneration, the glory that had been the early Chou culture was divested of its underlying principles, and only the name and the ceremonial shell remained intact. In response to this process of spiralling decline, Confucius advocated a return to the Way of Chou and a revival of the fertile and substantial culture which had fostered this "Golden Age".

While the "emulation of the past (fa ku)" aspect of Confucius' conception of history is much noticed, little has been said about his belief in the future. Given his faith in the potential of human nature to progress and develop and his devotion to education as the foremost means of encouraging natural fulfilment, we can infer that Confucius would at least accept the possibility of social progress. Again, as we have seen above, there are passages in the Lun-yü which describe a notion of progressive and cumulative culture. Confucius harks back to early Chou as the high water mark in the course of history--not a high water mark that has come and gone, but rather a height which can again be attained and probably even surpassed.[18]

C. THE TAOIST CONCEPTION OF HISTORY

As in the Confucian tradition, the criterion applied by the Taoists to evaluate historical change is the degree to which a given era was conducive to the nurturing and realization of man's original nature. Again, the Lao Tzu

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[18] The conception of history expounded in the Hsün Tzu shares considerable common ground with that of Confucius. See Hsün Tzu Chapter 5, especially 13/5/28. In this discussion, Hsün Tzu makes two important points:

literature of the Taoist school,[19] like the Confucian texts, suggests that there was a time in the past which provided an environment more congenial to the realization of man's nature than that of the present day. As is readily apparent from the below description of the Taoist Utopia, there are several features which distinguish this idealization of the past from the "Golden Age" of the Confucian tradition (Lao Tzu 80):

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1) the essential principles around which good government is constructed are timeless and constant.

2) the proposition that the intrinsic value of a culture can be measured by its age is rejected. Rather, Hsün Tzu insists that since the early Chou period can be clearly understood, its customs and culture can be meaningfully adapted for present-day application. It is the constant and essential principles, however, rather than the cultural dressing which are of supreme importance.

[19]By "Lao Tzu literature of the Taoist school" we are referring to:

1) the Lao Tzu

2) those parts of the Chuang Tzu which A.C. Graham has identified as the "Primitivist documents"--Chapters 8, 9, 10 and 11/1-28. Graham, dating this Primitivist school at cir. 205 B.C., sees a primitive Utopia as one of their main themes: "The Primitivist looks back to a tribal Utopia in which men lived as spontaneously as the animals, there was no distinction of gentleman and knave, and leaders had names followed by shih 氏, implying that their position was that of head of a clan or family. Ever since the Yellow Emperor the original spontaneous harmony has progressively deteriorated, hastened first by the invention of moral rules, later by disputation to settle disagreements over moral rules." (p. 28) In answer to the tradition of Chuang Tzu being so composite and varied, Graham poses the question: "Does the Primitivist belong to the tradition of Chuang-tzu, or rather to that of Lao-tzu?" He then responds: "The Primitivist is indeed one of the earliest datable witnesses (with Han Fei tzu) to the sudden and extraordinary impact of Lao-tzu when it began to circulate in the late 3rd century B.C. In particular the picture of an idealized village life has an extended parallel with Lao-tzu 80 (ch. 10/31, 32). Probably we should think of the Primitivist as an exponent of Lao-tzu's ideal government, only incidentally interested in Chuang-tzu." (p. 32)

小國寡民.使有什伯之器而不用.使民重死而不遠徙.雖有舟輿.無所乘之.雖有甲兵.無所陳之.使民復結繩而用之.甘其食.美其服.安其居.樂其俗.鄰國相望.鷄犬之聲相聞.民至老死.不相往來.

Make your state small, make your people few.
Even though you have military equipment,
Have no recourse to use it.
Cause the people to regard dying as no light matter
And thus make them loath to move far away.
Although they have boats and chariots,
They have no reason to mobilize them;
Although they have armour and weapons,
They have no reason to parade them.
Cause the people to restore the practice of knotting ropes
And to implement this system.
They can take relish in their foodstuffs,
Beautify their clothing,
Find contentment in their dwellings
And take pleasure in their customs.
Although neighbouring states be within seeing distance of each other,
And the sounds of their chickens and dogs can be heard from one to the other,
The people of one state will reach old age and pass away
Without ever having had contact with the people of another.

From the Lao Tzu's description of an ideal state we can isolate the following important features:

1) The ideal Taoist state is small both in size and population. This is not only diametrically opposite to the Confucian ideal,[20] but is to a degree a realistic

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3) the chapters of the Chuang Tzu which Graham identifies as the "Individualist documents": Chapters 28, 29 and 31. Following Kuan Feng, Graham makes a distinction between "Individualist" and "Taoist". These chapters contain much "Utopia" material which Graham again concludes has close ties with the Primitivist portion of the Chuang Tzu text: "Of especial interest are the striking resemblances to the Primitivist essays, which suggest that the two sets of documents must be very close in date. The Primitivist too uses Robber Chih as the exemplary crim-

albeit idyllic representation of agrarian China in ancient times. The agrarian society of ancient China was composed of innumerable self-governing and self-administering villages, each one constituting a self-sufficient economic, social and political unit. The weakness and vulnerability of the ideal Taoist state can be construed as a theoretical challenge to the concepts of strength, size, power and expansion which dominated the political minds of Eastern Chou China.

2) It is often assumed that the Taoist ideal is a raw primitivism wholly devoid of the conveniences of civilized society. The actual quality of this tribal style of life is constantly assailed by practical doubts regarding health, sanitation and life expectancy. But in the society depicted above, it is not that the people do not have modern conveniences--surely, "boats and chariots" and "armour and weapons" are symbols of what is conventionally considered "civilized" society. Rather, their natural and unembellished style of living and in particular, their uncontaminated system of values, make labour-efficient devices and the notion of "protection" wholly unapplicable.

3) This ideal society is not wholly anarchic. It has a government which follows a policy of wu-wei and which broods over the people, treating "them all as infants".[21]

4) This chapter raises a singularly important question: is the political state recommended in the Tao-te-ching characterized by a popular and widespread realization of

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inal, but nowhere else in the Chuang-tzu is he mentioned. Themes which Robber Chih shares with the Primitivist are the tribal Utopia of long ago and the progressive degeneration under the sage Emperors..." (p. 34)

[20]It is true that the Confucian tradition depicts the territory of the legendary emperors as being very small, but where their formal holdings were incidental, their magico-political influence gave them sway over both the Chinese states and the barbarian hinterland.

the tao by all of the people, or is this Taoist enlightenment a characteristic of the ruler alone? Is the Tao-te-ching a handbook on how to stupify the people and achieve political control or is the objective of the Taoist sage-ruler, like his Confucian counterpart, to lead his people towards their own fulfilment?

The ambiguity of the Tao-te-ching is such that it can quite comfortably accommodate both of these interpretations. While the notion that the political philosophy of Lao Tzu is "purposive" has a wide following,[22] a second interpretation is that the sage-ruler in his relationship to the people is analogous to the tao in its relationship to the myriad things. In Chapters 10 and 51 the same passage is used to describe the sage and the tao respectively. Neither the tao nor the sage-ruler is interested in control, possession or the realization of some selfish end. Rather, their purpose is to provide the myriad things and the people with an environment and circumstances congenial to their self-realization.[23]

The Lao Tzu frequently uses analogy in describing man's uncontaminated nature, variously likening it to the "uncarved block",[24] the innocence of a spewing infant,[25] and the seeming distance of a moron.[26] The nature of man is a constant. Although his pristine simplicity has been smothered by layer upon layer of the "knowledge" and "desire" generated in his contrived and unnatural society, this encrustation of social norms, values and conventional

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[21] See Tao-te-ching 49: 聖人皆孩之

[22] See Chapter II note 16 above for further discussion.

[23] See Tao-te-ching 10, 19 and 57.

[24] Ibid. 15, 19, 28 and 57.

[25] Ibid. 10, 20, 28, 49 and 55.

[26] Ibid. 3, 20 and 65.

erudition can be pared away through a cultivation of the Taoist Way and a "return" to the beginning (Lao Tzu 48):

為學日益.為道日損.損之又損.以至於無為.
In the pursuit of learning,
One daily expands his sphere of activity,
But in the pursuit of the Tao,
One must daily reduce it--
Reduce it and reduce it again
Until one attains a state of "non-activity".

Man is capable of repudiating the distorting influences of civilization and recovering his original nature. Thus, while the simplicity and purity of the underlying human nature is constant in as much as it still exists and can be restored, it is again, as in the Confucian tradition, "culture" which stands between the potential of the ideal man and his actualization. The Lao Tzu tradition looks back to antiquity and idealizes it not because of its culture, but rather because of its lack of it. For the Confucians, the transmission of the ancient culture which embodies and expresses their universal moral principles is at the root of their pedagogic emphasis. By contrast, the disdain which the Lao Tzu directs at this same culture leads to its insistence that man must "unlearn" conventional knowledge and reject all relative values before he can return to his natural and uncontaminated state. The cultural snowball which over the centuries has gathered around the universal moral principles is, to the Confucians, a source of intense pleasure and pride. For the Lao Tzu theorists, this same accumulation around man's original nature--this same abuse of the "uncarved block"--represents a real deterioration of the human condition. In the Confucian interpretation of history, culture is both beneficially cumulative and progressive; for the Taoists, it is harmfully cumulative and retrogressive. Again, where the Confucian tradition credits history with a positive element of cultural development and evolution, the Lao Tzu tradition sees only a devolutionary slippage from

a past Utopian lifestyle to present degeneracy.[27]

Although we have based the above discussion on the antique Utopia depicted in the Lao Tzu 80, the notion of historical decline is one of the most popular and consistent themes in this kind of early Taoist literature. There are elaborations on this same Lao Tzu description in the Primitivist portion of the Chuang Tzu.[28] In Chapters 28 and 29 of the Individualist section of the Chuang Tzu text, there are lengthy "Utopia" passages. Again, beyond the Primitivist and Individualist areas of the Chuang Tzu, the entire "Shan Hsing" chapter, as the title implies, is devoted to a description of the corruption and fall of "natural" man.

D. THE FA-CHIA CONCEPTION OF HISTORY

In our above discussion of the Confucian and Taoist conceptions of history, we have seen that both traditions look to an antique model as an example to which modern man can aspire. The idealized representation of a past "Golden Age" serves these schools both as a device for communicating their philosophical systems--an "educational aid", as it were--and as an historical sanction to lend authority to their ideas. In the Fa-chia texts,[29] this notion of "renaissance" on the basis of a past model

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[27] It is interesting to note that the metaphysics propounded in the Lao Tzu support a "decline" conception of history. For example, there is the notion that wu was the original and highest condition of existence, and that the plurality engendered out of and sponsored by wu is a definite step down from this beginning unity. This same idea is conveyed in the chapters where this original unity is described as the tao (Lao Tzu 42):

道生一、一生二、二生三、三生萬物.
The Tao engenders one,
One engenders two,
Two engenders three,
And three engenders the myriad things.

[28] See Chuang Tzu 23/10/4 and particularly 25/10/32.

is repudiated and an entirely new attitude toward the pattern of history is expounded.

Firstly, the iconoclastic and anti-traditional attitude of Fa-chia thought precludes any notion of reviving a past ideal. It contains a strong revolutionary element in as much as it takes the established order as the foremost obstacle to the successful implementation of its political programme. The Fa-chia principle of a universally applicable system of laws, for example, was a direct challenge to the hereditary privileges of the powerful families who had hitherto considered law as a personal device for controlling underlings and who saw themselves as being entirely immune from such regulations. Again, the concept of shih 勢 and the various policies and techniques subsumed under the generic shu 術, all of which were directed at delimiting and checking the power vested in any one minister, were an affront to the ambitions of men who preferred to leave their political prospects open-ended. The policy of suppressing intellectuals and their rival doctrines raised the ire of the intelligentsia. The principle of limiting merit and its commensurate rewards and honours exclusively to agrarian and military accomplishments could only arouse resentment among the merchantile rich. In fact, that virtually any and all of the vested interest groups stood to lose ground in the successful implementation of a Fa-chia regime is evidenced in the rise and sudden end of this school's earliest powerful proponent, Shang Yang.[30]

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[29] We base our discussion on the Shang-chün shu and the Han Fei Tzu which contain a generally consistent conception of history. As is the case with most Fa-chia precepts, it is Han Fei Tzu which provides us with the most mature and well-rounded exposition. In particular, see the "Wu Tu", "Nan Mien", "Hsien Hsüeh" and "Hsin Tu" chapters.

[30] The fullest account of Shang Yang's career is to be found in the Shih-chi 68. Cf. Chan-kuo ts'e "Ch'in Ts'e".

In Shang Yang's ascent to power under the patronage of Duke Hsiao of Ch'in, he systematically siphoned the previously diffused powers of the old order into the central court, making Ch'in strong by consolidating its strength under one man. That Shang Yang had succeeded in offending every pocket of power in Ch'in is the essential message of his would-be mentor, Chao Liang 趙良:[31]

> 秦王一旦捐賓客而不立朝，秦國之所以收君者，豈其微哉，亡可翹足而待。
>
> Once the King of Ch'in, taking leave of his guests, no longer attends the court (i.e. when he dies), the reasons for the state confining you are anything but inconsequential! You will be dead in the bat of an eye!

In devising and effecting the Fa-chia system of government, Shang Yang filled the ranks of the opposition against himself, and when Duke Hsiao, his single support, died, the taut spring of resentment snapped back like a mousetrap. Although Shang Yang himself fell victim in his campaign against the established order, his negative attitude toward tradition, culture and power-sharing was retained as an essential element in the doctrine which eventually led to the unification of China under Fa-chia rule.

In as much as Fa-chia policies were new and revolutionary, they could not count on the authority and sanction of history. On the contrary, traditional policies, political precepts and values represented alternatives to their concept of "one standard" and unified rule--alternatives which could not be safely entertained. In order to construct their political machine and set it into operation, the intolerable interference of traditional standards and values had to be wholly eradicated.

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[31] See Shih-chi 68 (p. 2235).

In uprooting traditional standards, the Fa-chia theorists, rather than attempting the mammoth and perhaps impossible task of refuting their intrinsic validity, quite cleverly resorted to an entirely rational and acceptable assertion (Shang-chün shu 2/10b p. 32):

> 聖人不法古.不脩今.法古則後於時.脩今則塞於勢.周不法商.夏不法虞.三代異勢而皆可以王.
>
> The sage does not imitate antiquity nor follow[32] established ways. To imitate antiquity is to lose the opportunity; to follow established ways is to be frustrated by prevailing circumstances. The Chou did not imitate the Shang, nor did the Hsia imitate the Shun era. These three periods all met with different circumstances and yet each was able to rule the world.

The Han Fei Tzu 341:3 makes a similar point:

> 故聖人議多少.論薄厚.為之政.政罰薄不為慈.誅嚴不為戾.稱俗而行也.故事因於世而備適於事.
>
> Therefore the sage, deliberating over relative quantities and giving consideration to heavy and light rewards and punishments, governs accordingly. Thus, penalties being light does not constitute compassion and punishments being severe does not constitute perversity. He simply carries them out as dictated by prevailing patterns of behaviour. Hence, his affairs are responsive to the times, and his provisions are appropriate to his affairs.

The assertion that the intelligent ruler must make his political measures appropriate to the changing times is really the essence of the Fa-chia's conception of history. Different periods have different problems, and different problems require new and innovative solutions. Old principles of government, even when proven effective in their own historical context, are more than likely obsolete. And the primary concern of the ruler when carrying new political measures into effect has to be their successful implementation (Han Fei Tzu 87:6):

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[32] Reading 脩 as 循 .

不知治者必曰無變古毋易常變與不變聖人不聽正治而已然則古之無變常之毋易在當古之可與不可.

Those who know nothing of proper government are certain to say: "Don't change old ways! Don't alter regular practices!" As for changing or not changing, the sage is not interested. His only concern is proper government. This being so, whether or not he changes old ways or alters regular practices depends on whether they will meet the present contingency.

Again, antiquity stretches across a long period of time. Many different sage-rulers have used many different methods to maintain peace and stability in their respective times (Shang-chün shu 1/2a-b pp. 3-4):

公孫鞅曰前世不同教何古之法帝王不相復何禮之循.....是故曰治世不一道便國不必法古.

Kung-sun Yang said: "Since previous ages have not shared the same doctrines, which 'ancients' do we imitate? Since these emperors and kings did not repeat those gone before, which social norms do we follow?...Therefore, I say, there is no one way to rule the world, and so long as something is expedient to the state, it need not be an imitation of antiquity."

In addition to the primary principle that political solutions must answer the times, the Fa-chia texts advance a secondary although less convincing argument against the use of an antique model. In our discussion on Confucius' conception of history above, we saw that one of his reasons for giving preference to the Chou model remains clear and intact while the others have gradually eroded with the passage of time. Han Fei Tzu goes one step further, suggesting that not only is the orthodox version of these past models the subject of constant wrangling, but even the teachings of Confucius himself have given rise to altercation among his followers (Han Fei Tzu 351:8):

孔子墨子俱道堯舜而取舍不同皆自謂真堯舜堯舜不復生將誰使定儒墨之誠乎殷周七百餘歲虞夏二千餘歲而不能定儒墨之真今乃欲審堯舜之道於二千歲之前.

> Although Confucius and Mo Tzu both take their "Way" from Yao and Shun, what they take and what they discard is not the same, and yet both claim to represent the true Yao and Shun. Since Yao and Shun cannot be brought back from the dead, who is going to decide which of the Confucians and Mohists are right? From Yin and early Chou times it has been over seven hundred years, and the Shun era and Hsia dynasty go back more than two millenia. If we can't determine who is right between Confucians and Mohists, how can we hope to be clear about the Way of Yao and Shun some three thousand years earlier!

Thus, the Fa-chia thinkers insist that since historical models are open to subjective interpretation by their advocates, we have no objective standard on which to base our acceptance or rejection of proposed policies. The models, or at least the modern versions of the models, are simply unreliable.

In the Confucian tradition, we saw that "culture" is regarded as cumulative and generally progressive, and in as much as it embodies the universal moral principles, it is considered highly conducive to the realization of the individual's corresponding moral nature. In the Taoist tradition, this same "culture" is rejected as an interference in the development and fulfilment of the individual's original nature. While the Fa-chia follows the Taoist school in rejecting "culture", their motivation is to keep the people in a state of ignorance in order to impose their own exclusive and absolute standard of conduct onto them. Unlike the Confucians and Taoists, their purposes are not with individual and by extension social fulfilment. Rather, their concern is effective political control, and "culture" is rejected as inimical

to this end.

In conclusion, several recent Chinese scholars,[33] basing their opinion on Ch'en Ch'i-t'ien's analysis of Han Fei's political doctrine,[34] suggest that in contrast to the Confucian "devolutionary (退化)" conception of history, the Fa-chia posit an "evolutionary (進化)" interpretation. Ch'en Ch'i-t'ien states:

> Philosophy of history is a kind of attitude toward history. From the time when Huang Ti established the state down to the Warring States period, China already had over two millenia of history. Each of the pre-Ch'in schools was dissatisfied with the conditions of the Ch'un-ch'iu and Warring States period. However, because the viewpoints of their philosophies of history differed, there developed two main streams on how to reform the conditions. The first stream considered that history is "devolving (退化)" and that to reform conditions, we must simply imitate the ancients (fa ku 法古). This stream is represented by the Confucian school. Their banner of "imitating the ancients" is "inherit and transmit the teachings of Yao and Shun, emulate and glorify those of Wen and Wu." (from Chung-yung 30).
>
> Again, the other main stream considered that history is "evolving (進化)", and that to reform conditions, we simply innovate. This stream is represented by the Fa-chia school. Their banner of "innovating" is "deliberate on the affairs of the age and make the necessary arrangements" (from Han Fei Tzu 339:10).

This interpretation of the early Chinese philosophies of history is very simplistic and at best, misleading. As we have noted in our discussion of the Confucian attitude toward history, while there is considerable support for the "imitating the ancients" principle as one aspect of the interpretation of history, this assertion without substantial qualification does a great injustice to the Confucian position.

The Fa-chia theorists go to great lengths to insist that political measures have had to change as new problems have arisen. What is appropriate and successful under one set of circumstances is in all probability

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[33] See Ching chih-jen pp. 35ff. and Hsieh Yün-fei pp. 72 ff.

inappropriate to another. The Fa-chia attitude towards particular historical periods tends to be generally descriptive rather than critical and evaluating.[35] In any case, they are adamant in refraining from attaching value judgments to particular political solutions, always returning to the notion that any given political solution is only as "good" as it is appropriate to its historical context. The policies of Yao and Shun, if applied today, would lead to certain disaster. Because the value of political measures can only be ascertained relative to the times, there can be no absolute "good" and the concept of "evolution" cannot be applied. In the Fa-chia conception of history, there is only change--change without progress or evolution.

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[34] See in particular his Han Fei Tzu chiao-shih pp. 942 ff. where he discusses Han Fei's philosophy of history.

[35] Because the Han Fei Tzu does on occasion depict high antiquity as primitive squalor, there is a tendency for scholars to infer that since man has progressed out of this condition, he has "evolved". This is to misinterpret the Han Fei Tzu's conception of history. While the text describes man's situation as at one stage having been primitive, it also says that at this time good food was abundant and wild. Man did not have to work, and there was no struggle for survival. Because of the abundance of material things, people did not have to vie with each other, and proper order reigned. See for example Han Fei Tzu 339:14:

> 丈夫不耕草木之實足食也.婦人不織禽獸之皮足衣也.不事力而養足.人民少而財有餘.故民不爭.是以厚賞不行.重罰不用.而民自治.
>
> In ancient times, the menfolk did not plow the fields. The fruits of the bushes and trees were ample to eat. Their wives did not weave. The skins of animals were ample for clothing. Without exerting themselves, their provisions were sufficient. Because people were few and goods were more than enough to go around, people did not contend for them. Thus, generous rewards were not dispensed nor heavy punishments applied, and yet the people were properly ordered of their own accord.

Again, there are passages which can be construed as imply-

E. THE HUAI NAN TZU CONCEPTION OF HISTORY

Above we have outlined and illustrated the pre-Ch'in Confucian, Taoist and Fa-chia conceptions of history. Before turning to the "Chu Shu" chapter's interpretation, we might take a brief look at the philosophies of history represented in the Huai Nan Tzu text as a whole. As we have stressed in the Introduction to this thesis, in attempting to deal with the Huai Nan Tzu, it is imperative to keep the composite nature of the text constantly in mind. A cursory examination of the various conceptions of history presented in the text will not only give us additional light on the contrast between Confucian, Taoist and Fa-chia interpretations, but will further enhance our support for treating the "Chu Shu" political philosophy as an independent although internally consistent unit.

The first two chapters of the Huai Nan Tzu are based[36] on the Lao Tzu and the Chuang Tzu respectively. It is

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ing a process of "devolution" (Han Fei Tzu 341:12):

> 上古競於道德.中世逐於智謀.當今爭於氣力.
> In high antiquity, people competed with moral virtue; in antiquity they contended on the basis of wisdom and plans; today they vie with their spirit and physical prowess.

Han Fei neither condemns antiquity nor praises the present. His attitude is simply that people in the past had their problems and their ways of dealing with them. It is a new world with new problems, and modern man must devise new solutions.

[36] We say "based on" rather than "an elaboration of" because although these two chapters are interesting enough in themselves, quality-wise, they cannot really compare with the original texts. This is perhaps even more the case with the "Ch'u Chen" chapter than with "Yüan Tao". The extent to which these two chapters are based on the Lao Tzu and Chuang Tzu texts can perhaps be illustrated by the fact that approximately 700 characters of the "Ch'u Chen" chapter--about 15% of the whole--constitute passages which can be found in the present Chuang Tzu. That these two chapters add little to their respective sources can be illustrated by the opening por-

therefore not unexpected that they both contain a fundamentally Taoist attitude toward historical change. For example, there is the following chronological account of deteriorating conditions in the world from the ideal age of superlative virtue (chih te chih shih 至德之世) down to the decline of Chou, brought about by a gradual and increasing neglect of the original nature and the Way--deterioration from unity and oneness to plurality and distinction (2/8b-9b):[37]

至德之世，甘瞑于溷淵之域，而徙倚于汗漫之宇，提挈天地而委萬物，以鴻濛為景柱而浮揚乎無畛崖之際。是故聖人呼吸陰陽之氣，而群生莫不顒顒然仰其德以和順。當此之時，莫之領理，決離隱蔽而自成。漼漼蒼蒼，純樸未散，廓落為一，而萬物大優。是故雖有羿之知，而無所用之。及世之衰也，至伏羲氏，其道昧昧芒芒，然吟德懷和，被施

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tion of the same "Ch'u Chen" chapter. It cites the Chuang Tzu 5/2/49 passage which in context is an illustration of the relative and imprecise nature of language. Whereas the notion of a "beginning (yu shih che 有始者)" would generally be assumed to indicate a definable point in a process, by prefacing this expression with an inexhaustible number of "never's (wei shih 未始)" it is shown to be very imprecise indeed. This Huai Nan Tzu passage restates this Chuang Tzu discussion, but rather than associating it with the Chuang Tzu concept of relativity, it interprets it literally as stages which can be identified and described in the process of the genesis of things. The author makes a heroic attempt to make each stage progressively more recondite and obscure as he describes:

beginning----never beginning to have a beginning----never beginning to never begin to have a beginning

Not only does this Huai Nan Tzu passage add nothing to Chuang Tzu's intended meaning, but further it attempts to give precise definition to examples initially posited to demonstrate the inability of words to be precisely defined!

[37] In the sequel to this passage, we find the typically Taoist contrast between the return to the pristine untrammeled nature and the retarding cultivation of Confucian "virtues". Compare this with the "Li Yün" description of the ta t'ung and hsiao k'ang eras discussed in note 17 above. See also the opening section of the "Ch'i Su" chapter of the Huai Nan Tzu.

頫烈而知乃始昧昧瞞瞞皆欲離其童蒙之心而覺視於天地之間是故其德煩而不能一乃至神農皇帝剖判大宗竅領天地襲九竅重九熱提挈陰陽縛捖剛柔枝解葉貫萬物百族使各有經紀條貫於此萬民睢睢盱盱然莫不竦身而戴聽視是故治而不能和下樓遬至于昆吾夏后之世嗜欲連於物聰明誘於外而性命失其得施及周室之衰澆淳散樸雜道以僞險德以行而巧故萌生周室衰而王道廢儒墨乃始列道而議分徒而訟於是博學以疑聖華誣以脅衆弦歌鼓舞緣飾詩書以買名譽於天下繁登降之禮飾綴兗之服聚衆不足以極其變積財不足以贍其費於是萬民乃始憮離跂各欲行其知僞以求鑿枘於世而錯擇名利是故百姓曼衍於淫荒之服而失其大宗之本

In the age of superlative virtue, doozing contentedly in a realm of boundless vacuity, man loitered about in a world of vast expanse. Taking up the cosmos, he had no truck with the myriad things. With the Hung Meng plain as his sundial, he rambled freely about on the border of the perimeterless. Thereupon, with the sage breathing the vapours of the yin and yang, all of the multifarious living things, in reverently esteeming his virtue, were harmoniously compliant. At this time, with nothing superintending they secretly furcated and matured of their own accord. Mixed and flourishing, the pure stuff of their natures was not dissipated. Coalescing to form one, the myriad things were replete. Thus, even if one had had the erudition of an Yi (the archer), there would have been nowhere to apply it.

When the age began to decline, on reaching Fu Hsi's era, his Way was pure and resplendent, and embodying virtue and embracing harmony, the people partook richly of his magnanimity. But knowledge had sprouted, and thirsting for wisdom, the people all abandoned their minds of child-like innocence and awoke to observe their environment. Therefore, their virtue becoming pluralized, they could not restore its oneness.

On reaching the era of Shen Nung and Huang Ti, chopping and paring the Great Ancestor, they regulated the entire cosmos. According with the laws of the nine heavens and the configurations of the nine

> portions of the earth, they ushered in the yin and yang, and harmonized the hard and soft. And diverging and converging, each of the myriad things and species were accorded a course and context. Thereupon, the people ogling about and listening intently, all perked themselves up and applied their sight and hearing. It is for this reason they could be administered but could not be made concordant.
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> Coming down to the age of K'un Wu and Hsia Hou, their passions and desires were entangled with things, their sense faculties were lured to the external and their natures had lost their grasp on their original endowment.
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> Arriving at the decline of the House of Chou, they planed down the original stuff and squandered their natural substance. Becoming estranged from the Way with their actions and endangering virtue with their conduct, the buds of cleverness and a sense of precedent began to sprout. The House of Chou declining, the Way of the True King fell into disuse and the Confucians and Mohists began to dismantle the Way and debate it, and to divide themselves into factions and quarrel over it. Thereupon, with broad erudition they mimicked the sages and with tinsel and pretense they intimidated the people. Strumming, singing, drumming and dancing, and with the Shih-ching and Shu-ching lacing their rhetoric, they purchased a reputation from the world. They amplified the social graces between superior and inferior to the extent that an assemblage of the entire population would still be unable to perform them in all of their permutations, and they embellished ceremonial robes and caps to the extent that an accumulation of their wealth would be insufficient to defray the expenses. Thereupon the people generally began to forget the path and lose their way, each wanting to apply his erudition and craft. In seeking to be accepted in the world, they spread their reputations and fixed upon personal profit. Thus, the people, swarming over the slopes of depravity, lost their grip on the root of the Great Ancestor.

The "Pen Ching" chapter is from beginning to end wholly given over to this Taoist notion of decline from a natural Utopia. Like the "Yüan Tao" chapter, there is much here to compare with the Lao Tzu.[38] The departure of man from

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[38] Although most of the ideas in this chapter reiterate the pre-Ch'in Taoist themes, there are some elements which are undeniably Han. For example, there is a very strong

his original nature gave rise to erudition, morality, artificial contrivances, and all such components of modern civilization. As he became more and more estranged from his natural course of development, his society became correspondingly complex and artificially contrived. This spiral of human decline has led man down to the degradation of the present day. Of particular note in this chapter is its overt criticism of the current government. Not only does the author condemn this government for oppressive economic policies and its general abuse of the people, but further, he goes so far as to suggest that in ancient times, given a similar situation, the people would have moved against such tyranny (8/10b-11a):

> 古者天子一畿.諸侯一同.各守其分.不得相侵.有子行王道者.暴虐萬民.爭地侵壤.亂政犯禁.召之不至.令之不行.禁之不止.誨之不變.乃舉兵而伐之.戮其君.易其黨.封其墓.類其社.卜其子孫以代之.
>
> In antiquity, the emperor had a territory one thousand li square and the various nobles had one hundred li square. Each maintained his allotment without encroaching on that of the others. When there was one among them who did not practice the Way of the True King, who on top of tyrannizing the people, contending over and seizing upon the territory of others, and setting the administration in chaos, would not come when summoned, would not carry out what was dictated, would not cease doing what was prohibited and would not change his ways when instructed, they would mobilize their troops and punish him. They would execute the ruler, eradicate his faction, build tombs for his victims, sacrifice at the national shrine and select one among his heirs to replace him.

A lengthy section of the "Lan Ming" chapter (6/6a-9b) gives a chronological account, mainly descriptive, of the

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天人相應 theme and constant comparison between the sphere of Heaven and the human body. Again, there are long passages which describe man's interference in the activities of yin and yang and his destruction of the balance existing among the wu hsing 五行.

society with and without the Way. Nü Wa brought the Way to a land of fire, water and predatory animals and transformed it by repairing the physical world and by bringing peace and contentment to the inhabitants. The state of the people under the capable rule of Nü Wa is very Taoistic in tone (6/7a):

當此之時.臥倨倨.興昧昧.一自以為馬.一自以為牛.其行踽踽.其視瞑瞑.侗然皆得其和.莫知所由生.浮游不知所求.魁魁不知所往.

At this time the people lay down free of mentation and awoke uninhibited with erudition. One moment they thought they were a horse, the next an ox. They tottered along and looked about bemused. With perfect genuineness they all attained a state of contentment, but none knew from whence it came. Drifting and wandering they had no idea what they were looking for; shrouded in shadows they did not know their destination.

From this peak of natural fulfilment and general contentment, conditions gradually worsened. Chieh of the Hsia having lost the Way caused havoc in the spheres of both man and nature. More recently, the age of the Seven States, again without the Way, is described as a period of war, human carnage and degradation. All through the Three Dynasties (Hsia, Shang and Chou) the people have suffered because of war and divisiveness. But with the present emperor (Wu Ti) on the throne, the whole world comes together to form one, and the Way of the Five Emperors of antiquity has been restored. While this chapter's interpretation of history generally conforms to the Taoist pattern of decline, it differs from the "Pen Ching" account in two rather significant respects. Firstly, while describing the contented people of high antiquity in unambiguously Taoistic terms, the "Lan Ming" chapter does not share the enthusiasm of the "Pen Ching" for repudiating Confucian virtues and values. It simply says nothing. Secondly, the "Pen Ching" frankly condemns

the current government. In the "Lan Ming" this is supplanted by perhaps less honest but certainly more prudent adulation for Wu Ti and his restoration of the Way.

The "Ch'i Su" chapter describes the decline from a state of pristine ignorance and spontaneous relationships as being characterized by the rise and proliferation of Confucian virtues. These virtues are symptomatic of an age having lost the Way and the people having abandoned their infant bliss (11/1a-b):

率性而行謂之道得其天性謂之德性失然後貴仁道失然後貴義是故仁義立而道德廢矣禮樂飾則純樸散矣是非形則百姓眩矣珠玉尊則天下爭矣凡此四者衰世之造也末世之用也夫礼者所以別尊卑異貴賤義者所以合君臣父子兄弟夫妻友朋之際也今世之為礼者恭敬而忮為義布施而德君臣以相非骨肉以生怨則失礼義之本也故構而多責大水積則生相食之魚土積則生自氏之獸礼義飾則生偽匿之本夫吹灰而欲無眯涉水而欲無濡不可得也古者民童蒙不知東西貌不羨乎情而言不溢乎行其衣致煖而無文其兵戈銖而無刃其歌樂而無轉其哭哀而無聲鑿井而飲耕田而食無所施其美亦不求得親戚不相毀譽朋友不相怨德及至礼義之生貨財之貴而詐偽萌興非譽相紛怨德並行於是乃有曾參孝己之美而生盜跖莊蹻之邪故有大路龍旂羽蓋綴結馳連騎則必有穿窬拊楗抽箴踰備之姦有說文繁繡弱緆羅紈必有菅屨跐踦短褐不完者故高下之相傾也短脩之相形也亦明矣

Conducting oneself by following one's original nature is called the Way; acquiring one's heavenly endowment is called virtus. When one's original nature has been lost, he then esteems benevolence; when the Way has been lost, he then esteems rightness. For this reason, when benevolence and rightness are established, the Way and virtus have been supplanted; when social norms and music are set on display, the pure and the simple has dissipated; when right and wrong appear, the people are in a state of befuddle-

ment; when pearls and jade are prized the world is torn by contention. Generally, these four are innovations and instruments of a period in decline. Now, social norms are a means of differentiating venerable from the lowly, estimable from the base. Rightness is a means of harmonizing the relationships between sovereign and minister, father and son, elder and younger brother, husband and wife and friend and friend. Since those who practice social norms in the present age boast reverence and respect while being injurious to others, and those who practice rightness boast generosity while placing others under obligation, the sovereign and ministers come to censure each other and those of the same flesh and blood harbour resentments about each other. These then are persons who have lost sight of the roots of social norms and rightness. Hence they are frequently condemned as dissemblers. Now, just as when water collects it gives rise to fishes which eat each other, and when earth is accumulated it gives rise to animals which dig themselves into it, when social norms and rightness are established, they give rise to hypocritical and deceitful persons. Now while blowing on ashes, to hope to avoid getting them in the eyes, or while wading across a river, to hope to avoid getting wet, are impossible aspirations.

In antiquity the people were as ignorant as infant children. Their appearances did not go beyond the actualities of their situation and their words did not overstep their actions. Their clothing was only for the sake of warmth, and was without adornment; their weapons were dull and blunt and were without a sharp edge; their songs were simply for the sake of pleasure and were free of complications; their crying was inspired by grief alone, and was free of any contrived wailing. Digging out wells they drank from them, ploughing their fields they ate. Without any means of making their merits known, they did not seek after anything. Among family members there was no praise or blame and among friends there were no favours or resentment.

With the rise of social norms and rightness and the value which came to be placed on material wealth, deceit and hypocracy sprouted and flourished, praise and condemnation became muddled, and resentment and the bestowal of favours became rife. At this, whereas there were the merits of Tseng Ts'an and Hsiao Chi, it also gave rise to the wickedness of Tao Chih and Chuang Ch'iao.

Hence, if there is the imperial carriage, the dragon banners, the feathered canopy, the dangling tassels of the headpiece, the team of four steeds and the mounted escort, there will certainly be the wickedness of tunneling thieves, lockbreakers, grave robbers and burglars. If there is fine brocade, embroidery, glossed silk and sheer silk, there will certainly be thatch sandals, irregular footwear, and rough, tatty and coarse garments. The fact that "high and low lean upon each other; short and long form each other" is very clear indeed.

The "Ch'i Su" chapter follows the Taoist tradition in laying the blame for man's fall on the gradual encrustation of "culture" which has coated and smothered his original nature (11/4a-b):

原人之性,無濊而不得清明者,物或垢之也。羌氐僰濮嬰兒生皆同聲,及其長也,雖重象狄鞮不能通其言,教俗殊也。今令三月嬰兒生而徙國,則不能知其故俗,由此觀之,衣服礼俗者,非人之性也,所受於外也。夫竹之性淫,殘以為牒,束而投之水則沉,失其體也。人之性無邪,久湛於俗則易,易而忘其本合於若性,故日月欲明,浮雲蓋之;河水欲清,沙石濊之;人性於平,嗜欲害之。唯聖人能遺物而反己。夫乘舟而惑者不知東西,見斗極則寤矣。夫性亦人之斗極也,以有自見也,則不失物之情。無以自見則動而惑營,譬若隴西之遊,愈躁愈沉。

If we examine man's original nature, that it is overgrown and polluted and does not acquire its clarity and brilliance is probably due to some external thing defiling it. When the babies of the Ch'iang, Ti, Po and Ti are first born they all make the same sound. On their reaching maturity, the fact that we cannot communicate with them even given a team of interpreters is because their education and customs are different. Now, if a three month old baby has been born in one country but then moved to another, he will be unable to know his native customs. Viewing it from this perspective, clothing, social norms and customs are not the original nature of man, but are rather received from without. Now, the original nature of bamboo is that it floats, but if one splits it up

into writing slips, bundles them up and tosses them into the river, they will sink. This is because it has lost its original physical form. The original nature of man is free from depravity, but if he is steeped in customs over a long period of time, this will be changed. Changing and forgetting his origins, he is compromised by other natures. Thus, although the sun and moon want to shine brightly, the floating clouds obscure them; although the waters of the Yellow river want to be clear, silt and rocks pollute it; although human nature wants to be calm, passions and desires injure it. Only the sage is able to divorce himself from external things and return to himself. Now, a person who on board a ship loses his way does not know which direction is which, but on seeing the pole star his confusion is dispelled. The original nature then is the pole star of man. If one has a clear perception of his own self, he will not lose sight of the true nature of external things. If, however, he does not have this perception of himself, moving along with things he will become confused and disconcerted. This is just like swimming to the west of Lung mountain--the more one kicks the faster he sinks.

In the "Ch'i Su" chapter it states quite clearly that to realize the self is to realize the Way (11/7b):

所謂明者.非謂其見彼也.自見而已.所謂聰者.非謂聞彼也.自聞而已.所謂達者.非謂知彼也.自知而已.是故身者道之所託.身德則道得矣.道之得也.以視則明.以聽則聰.以言則公.以行則從.

To be enlightened does not mean seeing other things, but simply seeing oneself; to be discerning does not mean hearing other things, but simply hearing oneself; to be penetrating does not mean knowing other things, but simply knowing oneself. Therefore, one's own person is that on which the Way depends. If one's own person is realized, then the Way is realized. If one realizes the Way, when he looks he is perspicacious, when he hears he is discerning, when he speaks he is catholic and when he acts he is followed.

The "culture" which obscures the true and original self has been developed by taking natural human sentiments and amplifying them with artificial customs and ceremonies. These customs and ceremonies become so elaborate and extra-

vagant that the link is lost between the natural emotion which originally gave rise to these customs, and the customs themselves (11/6b):

古者非不知繁升降繫還之禮也.蹀采齊肆夏之容也.以為曠日煩民而無所用.故制礼足以佐實喻意而已矣.古者非不能陳鐘鼓盛管簫.揚干戚奮羽旄以為費財亂政.制樂足以合歡宣意而已.喜予美於音.非不能竭國靡民.虛府殫財.含珠鱗施.綸組節束.追送死也.以為窮民絕業.而無益於槁骨腐肉.故葬薶足以收斂蓋藏而已.

In ancient times it was not that they did not know how to proliferate the ceremonies of the court or how to arrange themselves for the ts'ai ch'i and the ssu-hsia music, but rather that they considered these to be a waste of time and a vexation to the people without being of any practical use. Thus, they inaugurated ceremonies which were simply adequate to support the realities of the situation and express their basic meaning. In ancient time it was not that they were unable to line out bells and drums, to make an extensive display of flutes and pipes, to brandish shields and battle axes and to wave streamers and banners, but rather that they considered these to waste resources and disrupt the political administration. Thus, they composed music which was simply adequate to share their pleasure and make known their intentions. In ancient times[39] it was not that in funeral ceremonies they were unable to exhaust the nation, crush the people, empty their treasuries and deplete their resources, placing pearls in the mouths of the dead, dressing them in garments of jade mail and binding them with silk and braided ropes, but rather that they considered these to exhaust the people and interrupt the business of life without being of any particular benefit to the bleached bones and rotting flesh of the dead. Hence their burials were simply adequate to gather up and inter their dead.

Standing in stark contrast to the above chapters which view history as a process of human decline are the Confu-

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[39] We omit the phrase 喜予美於音 here as being an erroneous interpolation. In place of these five characters we substitute the two characters 古者 in the interests of parallel structure.

cian-oriented sections of the text. The latter chapters describe the historical development from primitive society to civilization with pride and an undisguised sense of achievement. For example, the "Hsiu Wu" chapter describes this evolution in the following terms (19/1a-2a):

古者民茹草飲水采樹木之實食蠃蠬之肉時多疾病毒傷之害於是神農乃知教民播種五穀相土地宜燥濕肥墝高下嘗百草之滋味水泉之甘苦令民知所辟就當此之時一日而遇七十毒堯立孝慈仁愛使民如子弟西教沃民東至黑齒北撫幽都南道交趾放讙兜於崇山竄三苗於三危流共工於幽州殛鯀於羽山辟作室築牆茨屋辟地樹穀令民皆知去岩穴各有家室南征三苗道死蒼梧禹淋浴霑雨櫛扶風決江疏河鑿龍門闢伊闕脩彭蠡之防乘四載隨山栞木平治水土定千八百國湯夙興夜寐以致聰明輕賦薄斂以寬民氓布德施惠以振困窮弔死問疾以養孤孀百姓親附政令流行乃整兵鳴條困夏南巢譙以其過放之歷山

In antiquity, people fed on grass and drank water, gathered the fruits of trees and bushes and ate the meat of wasps and clams. At this time there were frequent cases of illness and poisoning. Thereupon, Shen Nung came and taught the people to sow the five grains and to examine the congeniality of the ground--its irrigation, fertility and relief. He tasted the flavours of the myriad plants and the sweetness of the spring water, enabling the people to know which to use and which to avoid. At this time, in a day Shen Nung would encounter seventy noxious plants.

Yao established the principles of filial piety, commiseration, benevolence and love and treated the people like his own sons and younger brothers. In the west he instructed the Yao people and in the east the Black Teeth people. To the north he gave a helping hand to the Yu Tu people, and to the south he guided the people of the Chiao Chih. He exiled (the evil minister) Huan Tou to Ch'ung Shan, banished the San Miao to San Wei, transported the Minister of Waterways to Yu Chou, and executed Kun at Yü Shan.

Shun built houses, erected walls, thatched roofs, cleared the land, and planted grains. He persuaded the people to abandon their cave dwellings and to have family houses. While marching a punitive expedition to the south against the San Miao, he died at Tsang Wu.

Yü, with the rain drenching him and the gales combing his hair, diverted the course of the Yangtze, led the flow of the Yellow river, dug out the Lung pass and opened a passage through Yi Ch'üeh mountain. He built dikes on the P'eng Li marshlands, made use of four kinds of vehicles, and cutting back mountain forests, he brought the water and the land under control and stability to the eighteen hundred states.

T'ang arose early and retired late into the night to contribute his full powers to the tasks at hand, lightened the taxes and exactions to make the lives of the people more congenial, spread his virtue and magnanimity widely to relieve the poor and distressed, mourned the dead and asked after the sick in order to look after the orphaned and widowed. The people came to love him and his policies and commands prevailed everywhere. Then marshalling his troops at Ming T'iao and pursuing (Chieh of) Hsia to Nan Ch'ao, he called him to account for his crimes and banished him to Li Shan.

The single most significant factor in the transition from primitive squalor to sophisticated and comfortable civilization has been the careful accumulation and dispensation of knowledge through education (19/8a):

昔者倉頡作書.容成造曆.胡曹為衣.后稷耕稼.儀狄作酒.奚仲為車……周室以後無六子之賢.而皆脩其業.當世之人無一人之才.而知其六賢之道者何.敷順施續而知能流通.由此觀之.學不可已明矣.

In ancient times Tsang Chieh devised the written word,[40] Jung Ch'eng contrived the calendar, Hu Ts'ao developed clothing, Hou Chi originated domestic farming, Yi Ti created wine and Hsi Chung

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[40] Compare the "Pen Ching" 8/4a-b account of man's inventions and innovations:

昔倉頡作書而天雨粟.鬼夜哭.伯益作井而龍登云雲.神捷鬼畜.能愈多而德愈薄矣.

> invented the carriage....Since the establishment of the House of Chou, there have been none who could match the abilities of these six men, and yet all have followed up their vocations. How is it that these later people, not having the talents of even one of the six, have been able to understand the contributions of the six outstanding men? It is because their teachings have been continuously passed on and their knowledge and ability has been transmitted down to succeeding generations. If we look at it from this perspective, it is clear that learning cannot be dispensed with.[41]

Corollary to the importance of education is constant and unrelenting effort in the pursuit of knowledge (19/9a):

> 若此而不能.閒居.靜思.鼓琴.讀書.追观上古.及賢大夫學問講辯日以自娛.蘇援世事.分白黑.利害.籌策得失.以观禍福.設儀立度可以為法則.窮道本末.究事之情.立是廢非.明示後人.死有遺業.生有榮名.如此者.人才之所能逮.然而莫能至焉者.偷慢嬾惰多不暇日之故.
>
> Persons who have not been able to reach this level live in quiet retreat, meditate, strum the zither and read the ancients. They look back and examine antiquity and study and debate with men of superior character and station, enjoying themselves day after day. They gather in the affairs of the world and differentiate white from black, beneficial from harmful. Weighing feasibility, they determine whether or not a project is propitious. Setting up standards and rules, they can devise laws and regulations, investigate all aspects of the Way and make an exhaustive study of the basic nature of affairs. They establish what is right and repudiate what is wrong, and make it clear for posterity. On dying they pass on their work, and even while alive they have glory and reputation. This then is what man's ability is capable of attaining. That none are able to achieve this, however, is because being indolent and idle, they are too much at leisure.[42]

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[41] This is conceivably directed against the Taoists. Cf. Lao Tzu 20: 絕學而無憂 "Repudiate study and there will be no anxieties." and Lao Tzu 64: 是以聖人.....學不學 "Therefore, the Sage...studies not studying."

[42] Omitting the character 不 in the phrase: 多不暇日之故.

It has been the combination of education and sustained effort which has been responsible for the ascent of man and progress in human society (19/9a-b):

> 由此觀之.知人無務不若愚而好學.自人君公卿至於庶人.不自強而功成者.天下未之有也.....名可務立.功可強成.
>
> Viewing it from this perspective, the moron who is fond of learning is better than an intelligent man who does not exert himself. There has never been a person from the ruler and ministers of state down to the ordinary people who has been successful without diligence....Reputation can be made by hard work; achievement can be gained through diligence.

Perhaps the dominant and most frequently surfacing theme of the "Fan Lun" chapter is that the attitudes and methods of government must change in response to the times (13/11b):

> 是故聖人論事之局曲直.與之屈伸俛仰.無常儀表.時屈時伸.卑弱柔如蒲葦.非懼奪也.剛強猛毅.志厲青雲.非本矜也.以乘時應變也.
>
> Therefore the sage, in contemplating the course of an affair, gears his response to the changes in external circumstances without applying any fixed standard. At times advancing and at times retreating, he is soft and pliant like a reed and yet it is not from fear or faint-heartedness; he is firm, strong and formidible and his determination reaches the skies, and yet it is not boastfulness or vanity. In all cases he takes the tide and responds to change.[43]

While both Fa-chia and Confucian conceptions of history accept the principle that customs and culture must change to meet new circumstances, the amoral Fa-chia doctrine wholly rejects the Confucian conviction that there exist some underlying moral principles behind the culture which are permanent and enduring. The "Fan Lun" chapter gives voice to this Confucian conviction (13/4a-b):

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[43] Following Wang Nien-sun in reading 本矜 as 夸矜 .

故聖人所由曰道.所為曰事.道猶金石.一調不更.事猶琴瑟.每絃改調.故法制禮義者.治人之具也.而非所以為治也.故仁以為經.義以為紀.此萬世不更者也.

Thus, the path which the sage follows is called "the Way"; what he does is called his "affairs". The Way is like the percussion instruments--once tuned they do not change. Affairs are like the zither and lute--each time you string them, they need tuning. Therefore, laws and social norms are the tools of government, but are not that on which government is based. Thus it is that benevolence and rightness constitute the framework. These have been unchanging for all time.

Again, it is the benefit of the people rather than misplaced devotion to convention which is the foremost concern of good government (13/3a):

先王之制不宜則廢之.末世之事善則着之.是故礼樂未始有常也.故聖人制禮樂而不制於禮樂.治國有常而利民為本.政教有經而令行為上.苟利於民不必法古.苟周於事.不必循舊.

If the regulations of the former kings are not suitable, put them aside. If something of recent times works out well, make use of it. There has never been anything constant in social norms and music. Thus the sage controls social norms and music rather than being controlled by them. There is something constant in the governing of a state, namely taking as fundamental the benefit of the people; there is something essential in political indoctrination, namely taking as foremost the carrying of orders into practice. If something is beneficial to the people, it need not be in imitation of the ancients; if something always works out well, it need not be consistent with established practices.

Although the conception of history expounded in this "Fan Lun" chapter shares the Fa-chia preoccupation with changing the methodology of government to accommodate the times and contains many allusions to Fa-chia texts,[44] in essence it is still much closer to the Confucian position.

Again, true to Han eclecticism, even the Taoist philosophy of history does not go unrepresented (13/3a-b):

百川異源而皆歸於海.百家殊業.而皆務於治.王道缺而詩作.周室廢礼義壞而春秋作.詩.春秋.學之美者也.皆衰世之道也.儒者循之以教導於世.豈若三代之盛哉.以詩.春秋為古之道而貴之.又有未作詩.春秋之時.失道之缺也.不若道其全也.誦先王之詩書不若聞得其言.聞得其言不若得其所以言.得其所以言者.言弗能言也.故道可道者.非常道也.

The various streams while having different sources all pour into the sea; the various philosophies while pursuing different aims all address themselves to proper order. When the Way of the True King was wanting, the Odes arose; when the House of Chou was in decline and social norms were degenerate, the Ch'un-ch'iu arose. While the Odes and the Ch'un-ch'iu are masterpieces of literature, they are both the compilations of degenerate ages. The Confucians on the basis of these instruct and guide in the world, and yet how can they compare with the heights of the Three Dynasties! If, taking the Odes and Ch'un-ch'iu as the Way of the ancients, we are to esteem them, what about the time prior to their compilation! It is better to take the Way when it was whole than at a time when it was incomplete. Hearing the actual words of the former kings is better than reciting their odes and writings. And realizing what is behind the words is better than hearing their words. What is behind the words, however, cannot be articulated. Thus, "the Way which can be spoken of is not the constant Way."

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[44] Compare for example 13/3a:

故聖人法與時變.禮與俗化.衣服器械各便其用.法度制令各因其宜.故變古未可非.而循俗未足多也.

with the Shang-chün shu 1/2b (pp. 3-4):

及至文武.各當時而立法.因事而制禮.禮法以時而定.制令各順其宜.兵甲器備.各便其用.臣故曰.治世不一道.便國不必法古.

In fact, much of the first chapter of the Shang-chün shu is contained in this "Fan Lun" chapter of Huai Nan Tzu.

This brief survey of the various interpretations of historical change to be found in the Huai Nan Tzu as a whole underlines the composite nature of the text and emphasizes the degree to which disparate doctrines have been juxtaposed. The characteristically Han willingness to synthesize conflicting doctrines is strongly in evidence.

F. THE "CHU SHU" CHAPTER'S CONCEPTION OF HISTORY

As we have seen, there are portions of the Huai Nan Tzu--the "Pen Ching" chapter, for example--which are almost entirely devoted to an exposition on historical change. The "Chu Shu" chapter, however, is devoted to a statement of political theory, and in fact concerns itself with history only to the extent that historical examples can be used to illustrate general principles of government. It would be a distortion to say that the philosophy of history that the "Chu Shu" chapter expounds in the course of outlining its political programme is one of its most conspicuous features. Even so, a careful examination of relevant passages can provide us with some insights into the author's attitude toward historical change.

In discussing the process of historical change and comparing the past with the present, the "Chu Shu" chapter combines elements from the Taoist and Confucian philosophies of history. The most outstanding feature of the Taoist interpretation of history--the notion of decline from an ancient and primitive ideal--is present in the chapter from the very outset. In the following passage a 昔者……末世之政則不然……contrast is drawn between the idyllic rule of Shen Nung and the degenerate government of recent times--a contrast that is reminiscent of the Taoist portions of the Huai Nan Tzu text,

notably the "Yüan Tao", "Ch'u Chen" and "Pen Ching" chapters (9/1b-2a):

昔者神農之治天下也.神不馳於胸中.智不出於四域.懷其仁成之心.甘雨時降.五穀蕃植.春生夏長.秋收冬藏.月省時考.歲終獻功.以時嘗祀于明堂.....是故威厲而不殺.刑錯而不用.法省而不煩.故其化如神.其地南至交趾.北至幽都.東至湯谷.西至三危.莫不聽從.當此之時.法寬刑緩.囹圄空虛.而天下一俗.莫懷姦心.末世之政則不然.上好取而無量.下貪狼而無讓.民貧苦而怠事.事力勞而無功.智詐萌興.盜賊滋彰.上下相怨.號令不行.執政有司不務良道.矯拂其本.而事修其末.削薄其德.曾累其刑.而欲以為治.無以異於執彈而求鳥.搏捖而捕犬也.亂乃愈甚.

In ancient times when Shen Nung governed the world, his spirit did not desert his breast, his wisdom did not go beyond the four directions, and he cherished the magnanimous mind. The sweet rains fell at the proper time and the five grains flourished. In spring they sprouted forth, in summer they grew, in autumn they were harvested and in winter they were stored. With monthly examinations and seasonal scrutiny, at the year-end the record of their accomplishments would be offered up, and tasting the grain at the proper season, he would make sacrifice in the Ming T'ang....

Thus, his bearing was severe yet he did not have to resort to executions, his punishments were put aside and he did not have to invoke them, and his laws were simple and uncomplicated. Hence, his transformation of the people was god-like. In his territory stretching from Chiao Chih in the south to Yu Tu in the north, T'ang Ku in the east and San Wei in the west, there was no one who would not submit to his rule. At this time, the laws and punishments were not stringently applied and the prisons were empty. The world was one in custom and none were of a wicked mind.

The government in a declining age is not like this. Those above are fond of taking without any notion of proper measure while those below are wholly given

over to avarice. The people, impoverished and distressed, contend angrily among themselves and working themselves to the bone never gain an inch. Cleverness and deception sprout forth, bandits and thieves are rife, ill-will appears between superiors and subordinates, and edicts and orders are not implemented.

The authorities do not devote their efforts to returning to the right path. While going against the roots they cultivate the incidentals and while being stingy with their bounty they pile up punishments. And yet in doing these things they are trying to govern properly! This is no different from taking up pellets to induce a bird to come to you, or wielding a cane to tame a dog. It just makes matters worse.

Yao is also selected to represent an ideal government of antiquity. The description of an orderly world under a sage-king is contrasted with the decline of more recent times (9/10b-11a):

堯之有天下也，非貪萬民之富，而安人主之位也，以為百姓力征，強凌弱，衆暴寡，於是堯乃身服節儉之行，而明相愛之仁，以和揖之。是故茅茨不翦，采椽不斲，大路不畫，越席不緣，大羹不和，粢食不鬻，巡狩行教，勤勞天下，周流五嶽，豈其奉養不足樂哉？舉天下而以為社稷，非有利焉，年衰志懣，舉天下而傳之舜，猶卻行而脫蹤也，衰世則不然，一日而有天下之富，處人主之勢，則竭百姓之力，以奉耳目之欲，志專在宮室，臺榭陂池，苑囿禽獸，熊羆，玩好，珍怪，是故貪民糟糠不接於口，而虎狼熊羆厭芻豢，百姓短褐不完，而宮室衣錦繡，人主急茲無用之功，百姓黎民顛頼於天下，是故使天下不安其性。

In accepting the empire it was not that Yao coveted possession of the world or coveted the ease of being ruler. Seeing that the common people struggled among themselves, the strong dominating the weak and the many oppressing the few, Yao then personally comported himself in accordance with moderation and frugality, and elucidating the virtue of mutual love, he brought the people together in harmony. Therefore, the roofing thatch was not trimmed,

> the rafters were not cut and finished, the ruler's carriage was not ornamented, mats were not hemmed, pottage was not seasoned, and grain was not polished, going on his progression and spreading his guidance, he laboured assiduously in the empire and travelled to each of the five sacred peaks. Surely the life-style of the emperor could not bring anything but enjoyment and yet he took the whole empire for the sake of the empire and not because he derived any personal benefit from it. When he became old and weary and abdicated in favour of Shun, it was just like stepping back and kicking off his sandals.
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> When the age is in decline, however, it is different. The ruler, once having gained the wealth of possessing the empire and having occupied the purchase attendant upon his position, will then exhaust the energies of the common people in catering to his own desires. His mind is wholly preoccupied with buildings, pavillions, ponds, gardens, ferocious animals, precious stones and exotic objects. Consequently, the poor people do not even have dregs and chaff to eat and yet the tigers, wolves and bear fill themselves on the various kinds of meat; the common people are sparsely clothed in coarse rags and yet palaces and halls are draped with silk and embroidery. The ruler gives priority to these kinds of enterprises which serve no useful purpose, and the people of the empire become haggard and gaunt. Thus it is that he causes the empire to become discontented with its way of life.

In the "Chu Shu" chapter, the contrast drawn between the ideal ruler and his decadent counterpart[45] and adulation for the contributions and competent administration of the former kings[46] are recurring features. The early period in which the ancients ruled the world is generally depicted as an age of enlightened government (9/20a):

> 古者天子聽朝，公卿正諫，博士誦詩，瞽箴師誦，庶人傳語，史書其過，宰徹其膳，猶以為未足也，故堯置敢諫之鼓也，舜立誹謗之木，湯有司直之人，武王立戒慎之鞮，過若豪釐而既已備之也。

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[45] See 9/17b-18a.

[46] See 9/13a and 9/19a.

> Of old, when the emperor would hold court, the high ministers would proffer honest admonition, the learned scholars would chant the odes, the music masters would sing their criticisms, the common people would communicate their opinions, the court historians would chronicle errors in judgment, and the court chefs would deprive the ruler of his refreshments, but still this was not considered enough for the rulers.
>
> Thus, Yao set up a drum for those offering bold admonition, Shun established a notice board for criticisms, T'ang instituted an independent judicial authority, and King Wu provided a small drum to forewarn him against rashness. Before an error could show itself there was already a safeguard against it.

While it is true to say that the "Chu Shu" chapter expounds a "decline" theory of history consistent with the Taoist tradition, this "decline" theory has been so modified by the introduction of Confucian attitudes that its interpretation can only be described as syncretic. In our above discussions on the Taoist and Confucian conceptions of history, we concluded that their conflicting attitudes towards "culture" marked a readily identifiable divergence between the two schools of thought. Where the Taoists pointed to the accumulation of culture and the development of civilization as the essential cause of social decline, the Confucians saw this same culture as the embodiment of universal moral principles and its transmission as the essential impetus behind social progress. In the "Chu Shu" chapter, far from rejecting man's cultural heritage, rulers of antiquity are singled out and praised for their ability to influence both their own times and the subsequent course of history through their efforts in personal cultivation. The rulers of antiquity developed music and ceremony in order to represent their innermost feelings (9/17b):

> 故古之君人者.其慘怛於民也.國有飢者.食不重味.民有寒者.而冬不被裘.歲登民豐.乃始縣鐘鼓.陳干戚.君臣上下.同心而樂之.國無哀人.故古之為金石管絃者.所以宣

樂也.兵革矛戟者.所以飾怒也.觴酌俎豆.酬酢之禮.所以效善也.衰絰笄屨.辟踊哭泣.所以諭哀也.此皆有充於內.而成像於外也.

Therefore, the ruler of antiquity was concerned about the hardships of his people to the extent that if there were starving people in his state, at each meal he would have only one single dish, and if there were freezing people, in winter he would not attire himself in fur garments. Only when the harvest was good and the people had plenty would he then set up the bells and drums and display the shields and axes, and with ruler and subject, superior and subordinate all with one mind enjoying these, there will be no one left out in the whole state. Therefore, the use of metal, stone, pipes and strings by the ancients was to express their pleasure. Weapons, armor, battleaxes and broadaxes were to give a more polished expression to their anger. The ceremonies of libations and offerings were to represent their gladness. Funeral garments and sedge footwear, beating of the breast and weeping were to demonstrate their grief. These are all instances of the general truth that what one is full of inside will express itself outside.

The substance of their personal cultivation was crystalized and formalized as social norms and music, and these have been transmitted as a cultural heritage from ancient times (9/4a):[47]

古聖王多精形於內.而好憎忘於外.出言以嗣情.發號以明旨.陳之以礼樂.風之以歌謠.業貫萬世而不廢.橫扃四方而不窮.禽獸昆蟲興之陶化.又況於執法施令乎.

The sage-kings of antiquity, embodying the most essential vapours within, gave them expression by likes and dislikes externally. Their words were spoken to express what was truly on their mind and they issued commands to show their purposes. Setting these out in social norms and music and recounting them in song and verse, their deeds have been known to each suceeding generation without break and have spread to every corner of the world without limit. They shaped and transformed even birds, beasts and the insect world, let alone things like administering the law and implementing edicts.

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[47] Cf. Tso chuan 456/定10/3左 in which Confucius contends that the purpose of even entertainment must be the illustration of virtue.

It is this cultural heritage which is most efficacious in transforming the people and achieving enlightened government. While the "Chu Shu" chapter's "decline" theory of history might be associated with the Taoist tradition, the respect for traditional culture as a formal representation of ancient insights into timeless moral principles and values is an ingredient which can only be traced to the Confucian camp. In this chapter, the ancients are not exalted for maintaining a village Utopia, but rather for their tangible and contrived contributions to human civilization (9/13a):

> 古之置有司也.所以禁民使不得自恣也.其立君也.所以制有司使無專行.法籍礼義者.所以禁君使無擅斷也.
> The purpose of setting up a bureaucracy in antiquity was to prevent the people from being self-indulgent. That they enthroned a ruler was to control the bureaucracy and prevent it from doing as it pleased. Law, records, social norms and a code of moral conduct are to prevent the ruler from arrogating all decisions to himself.

In the "Chu Shu" chapter--a chapter which superficially appears to describe a Fa-chia system of political control--the Fa-chia interpretation of historical change is not represented. There is no portion of the chapter which conveys the Fa-chia's rejection of historical examples as irrelevant or its insistence that new problems require new solutions. Rather, the conception of history is basically a Taoist "decline" theory modified by a thoroughgoing respect for the cultural contributions of past eras. These two seemingly conflicting positions are reconciled by the suggestion that the deterioration of the human condition is the result of a failure to uphold the principles and the spirit which had characterized periods of effective government in earlier times.

In our discussion of the Confucian position on historical change, we were able to say that Confucius looked

back on history as a gradual progression and evolution from high antiquity to the Golden Age of early Chou. This progress was a direct result of the recognition and cultural expression of universal moral principles which began and grew through the early development of Chinese civilization. In the early Chou, cultural institutions and the pattern of human life achieved a plane in embodying and representing the underlying moral principles which had hitherto been unknown. The heights of early Chou were short-lived, however, and as the meaning behind the cultural institutions and the pattern of life evaporated, man sank into a spiral of social and political decline. The "Chu Shu" chapter's interpretation of history as a whole is very close to Confucius' attitude toward this period of decline from early Chou times up to his own day. Generally, it has been man's failure to understand and retain the substance and principle behind the social norms and institutions which frame and fortify human society that has led to the unfortunate deterioration in his quality of life. Particularly, it has been the failure of the ruler, the hinge between political order and chaos, to realize the Way of the True King and to stand as a model for his people.

APPENDIX I: TRANSLATION

The Huai Nan Tzu, Book Nine: Political Techniques of the Ruler

Introduction

1. Rhymed passages are indented and the rhyming character is inserted in parentheses at the end of the phrase or sentence. Our main source for rhymes of this period is:

羅常培.周祖謨.漢魏晉南北朝韻部演變研究,科學出版社 Peking, 1958.

Occasionally there are what would seem to be "unintentional" rhymes. In these cases, we note the rhymes, but do not indent the passage.

2. We have divided the text where it seems most appropriate to do so. The "Chu Shu" chapter, while for the most part internally consistent, does not always have one continuous and developing theme which is readily identifiable in each of the sections. Often, one section is a series of related ideas, one leading to the next, which all fall loosely under one subject heading. That we are justified in dividing these loosely knit passages into sections is borne out by the general correspondence found between our own efforts at sectioning and those found in the Wen Tzu and Ch'ün-shu chih-yao.

3. The margin numbers correspond to the SPTK edition.

Section 1[1]

The political techniques of the ruler are to abide 1a
in affairs of non-action and disseminate wordless
instructions (教). A
Limpid and still he does not move; once he moves[2]
he does not stray (搖); A

[1]This first section appears as a block in the Ch'ün-shu chih-yao 41/3b-4a. In the Wen Tzu 下 /12a-b this entire section appears together with a portion of Section 2 below.

[2]Following Liu Wen-tien in reading 度 as 動 .

taking advantage of the course of things he delegates responsibility to subordinates and, holding them responsible for success, he does not wear himself out (勞). A

Thus, even though his mind understands regulations, he allows himself to be guided by the imperial tutors (導); A

even though he is able to speak, he allows his diplomats to communicate his dictates (辭); B

even though his feet are able to walk, he allows his escort to lead the way (導); A

even though his ears are able to hear, he allows the administrators to offer advice (謀).[3] B

Therefore in his considerations he never decides on the wrong course of action and in his deliberations he is never in error (事).[4] B

His words are worth looking at and his actions are a model for the world.[5] His every movement is in accord with the proper time (時) B

and his activity or lack of it is consistent with principle (理). B

He is not attracted by beauty or repelled by ugliness, and his punishments are not accompanied by anger or his rewards by pleasure (喜).[6] B

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[3] We follow the Kao Yu commentary which states that some texts read 諫 as 謀. The character 謀 rhymes with 辭. With respect to this entire passage, cf. the Shen Tzu cited in the TPYL 76 p. 358 (Thompson, passage 111):

昔者天子手能依而穿夫設服,足能行而相者導進,口能言而行人稱辭,故無失言失禮也.

Cf. also Ch'un-ch'iu fan-lu 6/5b-6a:

故為人王者,以無為為道,以不私為寶.....足不動而相者導進,口不自言而擯者贊辭,心不自慮而群臣效當.

[4] Cf. Chia t'ai-fu hsin-shu SPTK 上/83a and Ta Tai li-chi SPTK 3/4b which have the same passage: 是以慮無失計而舉無過事

He lets each name name itself and each class classify itself.[7] Affairs proceed spontaneously and none arise from him (己). B
Therefore a king of antiquity would put a veil of pearls to his cap in order to prevent himself from seeing too clearly (明); C
would have yellow silk hanging down over his ears to prevent himself from hearing too keenly (聰).[8]
The emperor being surrounded by screens was to erect barriers for himself (障).[9] 1b

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[5]Cf. Ta Tai li-chi 5/5a: 言為文章、行為表綴於天下.

[6]Reading 喜怒 as 怒喜 for the 喜 rhyme.

[7]Cf. Huai Nan Tzu 10/5b: 聲自召也、貌自示也、名自命也、文自官也、
Han Fei Tzu 17:16: 故虛靜以待令、令名自命也、令事自定也、
Han Fei Tzu 30:14: 故聖人執一以靜、使名自命、令便自定、
Huang-ti ssu-ching p. 31: 名實不相應則定、名實不相應則靜、勿(物)自正也、名自命也、事自定也、
Shen Tzu fragments: 動者搖、靜者安、名自正也、事自定也、
Shih Tzu 上/6a: 執一以靜、令名自正、令事自定、

[8]Cf. Ta Tai li-chi 8/4a: 故古者冕而前旒、所以蔽明也、統纊塞耳、所以弇聰也、
Yen Tzu ch'un-ch'iu 7/11b: 冕前有旒、惡多所見也、纊紘充耳、惡多所聞也、

[9]Cf. Lao Tzu 47 for similar purport.

Thus, where that over which one governs is distant, he should focus on that close at hand; where that over which one rules is great, he should watch the small.[10] For to be wilful in the use of his eyes leads to excesses; to be wilful in the use of his ears leads to confusion; to be wilful in the use of his mouth leads to disorder. These three passes must be carefully guarded.

If one wants to regulate something (規之), D
in fact he is going contrary to it (離之); D
if he wants to embellish something (飾之), E
in fact he is harming it (賊之). E

Section 2[1]

A person's spiritual souls come from the vapours of heaven while his sentient souls come from the vapours of earth (魄).[2] A
Returning these to their mysterious apartments and causing each to dwell in its proper residence (宅), A
if one can watch over these and not lose them (失), B
he achieves communion above with the Great One (一). B
And the essence of the Great One (精) C
has communion with Heaven (天).[3] C

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[10] Following Wang Nien-sun in reading 少 as 小. Cf. Lao Tzu 63 and 64 for similar purport.

[1] This section is contained in the Wen Tzu 下/12a-b and 上/10b-11a.

[2] Cf. Li-chi 11/27: 魂氣歸於天.形魄歸於地.

Li-chi 7/1a: 是故精神天之有也.而骨骸者.地之有也.

Li-chi 7/1b: 夫精神者所受於天也.而形體者所稟於地也.

[3] Following the Wen Tzu 下/12a in reading 通於天道 as 通合於天. The character 天 rhymes with 精. See Wang Nien-sun's commentary in LWT 9/2a.

The Way of Heaven is mysterious and silent (默), D
and is without any shape or regulation (則). D
It is too great to reach its end point (極) E
and too deep to be fathomed (測). E
Constantly[4] adapting itself to man, it is beyond
his comprehension (得). E

In ancient times when Shen Nung[5] governed the world,
his spirit did not desert his breast (中), F
his wisdom did not go beyond the four directions (域), G
and he cherished his magnanimous mind (心). F
The sweet rains fell at the proper time and the five
grains flourished (植). G
In spring they sprouted forth, in summer they grew (長), H
in the autumn they were harvested and in winter they
were stored (藏). H
With monthly examinations and seasonal scrutiny,[6] at
the year-end the record of their accomplishments would
be offered up (功), H
and tasting the grain at the proper season, he would
make sacrifice in the Ming T'ang (堂).[7] H
The structure of the Ming T'ang was such that it had
a roof and no walls (方), H
but the elements could neither enter it nor do it
harm (傷). H

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[4] Following the Wen Tzu 下/12a in reading 尚 as 常.

[5] Shen Nung is a legendary ruler who, according to tradition, reigned from 2838-2698 B.C. He is particularly remembered as the sage who developed and taught husbandry. He is also the father of Chinese medicine, having devoted himself to the study of herbs and their properties.

[6] Cf. Ta Tai li-chi 1/3a: 使有司日省如時考之.

K'ung Tzu chia-yü 1/9b: 使有司日省而時考之.

With a halting manner he would enter it.
Rearing his people in justice (公), H 2a
they became plainly honest and sincere,
and without contending one with the other,
they found that they had enough wealth.
Without wearing themselves out they achieved their ends (功),[8] H
and taking advantage of the stock of the heavens and earth they lived in perfect accord with their environment (同). H

Thus, his bearing was severe yet he did not have to resort to executions, his punishments were put aside and he did not have to invoke them,[9] and his laws were simple and uncomplicated. Hence, his transformation of the people was god-like. In his territory stretching from Chiao Chih in the south to Yu Tu in the north, T'ang Ku in the east and San Wei in the west, there was no one who would not submit to his rule.[10] At this time, the laws and punishments were not stringently applied and the prisons were empty. The world was one in custom and none were of a wicked mind.

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[7] The Ming T'ang was a sacred structure visited by the emperor in carrying out the various sacrifices. These visits and sacrifices are closely linked to the seasons and the calendar. For lengthy (yet not altogether accurate) discussions on the Ming T'ang institution, see M. Granet, La Pensee Chinoise pp. 177 ff. and W.E. Soothill, The Hall of Light.

[8] Following Yang Shu-ta p. 56 in reading 功成 as 成功 for the 功 rhyme.

[9] Cf. Hsün Tzu 57/15/90: 傳曰：威厲而不試，刑錯而不用。

Hsün Tzu 102/28/20: 是以威厲而不試，刑錯而不用。

[10] This passage occurs either in part or in whole in the following texts: Ta Tai li-chi 7/2a; Shuo yüan 19/12a-b;

The government in a declining age is not like this:

Those above are fond of taking without any notion
of proper measure (量) H
while those below are wholly given over to avarice (讓). H
The people, impoverished and distressed, contend angrily
among themselves (爭) H
and working themselves to the bone never gain an inch
(功). H
Cleverness and deception sprout forth,
bandits and thieves are rife (勸), H
ill-will appears between superiors and subordinates,
and edicts and orders are not implemented (行). H

The authorities do not devote their efforts to returning to the right path. While going against the roots they cultivate the incidentals and while being stingy with their bounty they pile up punishments. And yet in doing these things they are trying to govern properly! This is no different from taking up pellets to induce a bird to come to you, or wielding a cane to tame a dog. It just makes matters worse.

Section 3[1]

Now where water is muddy the fishes gasp; where government is severe the people are disorderly. Thus, those who breed tigers, leopards, rhinoceroses and elephants put them in pens, provide for their desires, feed them at the right time, and distract them from outbursts of temper.[2] But notwith-

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Mo Tzu 35/21/6; Shih Tzu 下 /4b; Lü-shih ch'un ch'iu 22/8b-9a; Chia t'ai-fu hsin-shu 下 /56b; Huai Nan Tzu 19/1b. Yu Tu, T'ang Ku and San Wei are also mentioned in Huai Nan Tzu 4/4b and 4/8b.

[1]This section is found in Wen Tzu 上 /10b-11a and 上 /11a-b.

standing this, that the animals do not live out their natural span of years is because they are physically under duress. 2b

Therefore, if superiors intensify their cleverness (故), A
subordinates will intensify their deceptions (詐); A
if superiors intensify their undertakings (爭), B
subordinates will intensify their guard (態); B
if superiors are constantly intruding on the people,
subordinates will be unsettled (定); C
if superiors intensify their demands,
subordinates will wrangle among themselves (爭).[3] C

Devotion to nonessentials rather than straightening things out at the root is like prodding a dustpile to put down the dust or fetching firewood to extinquish a fire. Hence, the sage governs easily because his affairs are few, and is easy to satisfy because his demands are few.

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[2] Cf. Teng Hsi Tzu 2b-3a: 夫水濁則無掉尾之魚、政苛則無安樂之土、故令煩則民詐、政擾則民不定、不治其本、而務其末、如揉潏鐘之以石、救火投之以薪、

Chuang Tzu 11/4/60: 汝不知夫養虎者乎、不敢以生物與之、為其殺之之怒也、不敢以全物與之、為其決之之怒也、時其飢飽、達其怒焉、

See also Lieh Tzu 2/4b.

[3] This passage is reminiscent of Lao Tzu 57:

天下多忌諱而民彌貧、
民多利器、國家滋昏、
人多伎巧、奇物滋起、
法令滋彰、盜賊多有、

Without giving any service he is benevolent (仁), D
without speaking he is trusted (信), D
without seeking he gets,
without doing he accomplishes (成).
Without genuineness he preserves the true (真), D
embraces virtue and extends sincerity (誠).[4] D
And the world follows him just as the echo responds
to the sound (聲) D
and the shadow to the form (形).[5] D
This is because what he cultivates is the root.

Punishments and penalties are incapable of changing customs and executions are incapable of putting a stop to wickedness. Only god-like transformation is precious and only the most essential vapours[6] can do it in that way.

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[4]Cf. Chuang Tzu 14/5/42: 今哀駘它未言而信、無功而親、使人授己國、唯恐其不受也.

Chuang Tzu 55/21/17: 夫子不言而信、不比而周、無器而民滔乎前、而不知所以然而已矣.

Lao Tzu 47: 是以聖人不行而知、不見而名、不為而成.

[5]Cf. Chuang Tzu 28/11/64: 大人之教、若形之於影、聲之於響.

Huang-ti ssu-ching p. 20: 如影之隨形、如响之隨聲.

[6]This expression 至精 is a special term in this chapter connoting a powerful although intangible inner potency which, when concentrated and retained intact, can be directed at others to influence their activities and effect their transformation. It also occurs in the Chuang Tzu 58/22/18 and in the I-ching 43/繫上/9. The notion of inner potency finds many shapes in the Chinese tradition--note, for example, the currency of 德 in most of the important schools of Chinese thought. This aspect of Chinese philosophy seems to

Now, an urgent shout cannot be heard beyond a hundred paces, but where the mind is focused it will be understood a thousand li away.[7] In the winter the myriad things seek out the sun while in summer they seek the shade. Nothing causes this yet it is so.[8]

Thus, with the appearance of the most essential vapours (像) E
things come without being summoned
and depart of their own accord without being dismissed (往). E
Dark and abstruse (冥冥), D
no one knows who produces them and yet their results are naturally realized (成). D
The wise are not able to explain them and the eloquent are not able to describe them (形). D

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have received particular attention in the early Han in its association with the concept of 天人相應. We can find reference to 至精 (and other such expressions used to represent "inner potency") throughout the Huai Nan Tzu. For example, 6/1a 至精 ; 6/1b 精通于天 ; 6/2a 精神形於內 ; 6/2b 神氣相應 ; 7/1a 精氣為人. In the following 20/2b-3a passage, it describes an analogous relationship between "fertilization" as an invisible influence and the sage with his 至誠 transforming the people: 螣蛇雄鳴於上風,雌鳴於下風,而化成形,精之至也,故聖人養心,莫善於誠,至誠而能動化矣.

In 20/8b-9a it contains an extended discussion on how the most efficacious method of influencing and transforming the people is through the "essential vapours", making use of expressions such as 天心 , 精誠 and 精氣 .

[7] Cf. Li-chi 42/2: 心不在焉,視而不見,聽而不聞,食而不知其味.

[8] Cf. Teng Hsi Tzu 6a: 為君當若冬日之陽,夏日之陰,萬物自歸,莫之使也.

In ancient times Sun-shu Ao (prime minister of Ch'u) reposed peacefully yet the people of Ying (capital of Ch'u) had no cause to use their weapons. Yi Liao (a famous soldier) of Shih Nan (a place in Ch'u) toyed with his pellets and yet even with the trouble existing between the two families, there was no reason for anyone to take offense at his words.[9] 3a

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[9] These historical figures and their circumstances also appear in other early texts.

In the Tso chuan 493/哀16/附3 (479 B.C.) there is an account of a rebellion in Ch'u staged by Po Kung 白公 (styled 勝), the son of the late heir to the Ch'u throne, Chien 建. In plotting the rebellion, he said to a fellow conspirator, Shih Ch'i 石乞, that 500 men would be sufficient to effect their coup. In response to Shih Ch'i's reservations about raising this body of men, Po Kung replied that Hsiung Yi Liao 熊宜僚, a fearless officer, was alone worth any 500 men. They approached Yi Liao and tried to win him to their cause. When he refused their promises of wealth, they held a blade to his throat. Still he would not budge. Convinced that he would not reveal their plot for personal gain, they released him. Subsequently, in the insurrection Po Kung killed the two high ministers, Tzu Hsi 子西 and Tzu Ch'i 子期, and took King Hui of Ch'u captive. In the end, the rebellion was suppressed.

In the Chuang Tzu (apart from the 67/24/65 passage from which our Huai Nan Tzu passage seems to be taken), Hsiung Yi Liao also appears as an advisor to Duke Ai of Lu (51/20/9 ff.). Duke Ai observes basically Confucian virtues and values, and yet has difficulty avoiding calamity. Yi Liao advises him to abandon conventional values and adopt the Taoist attitude toward life.

The "two families" refer to the two conflicting branches of the Ch'u royal house, and "toying with pellets" represents Yi Liao's disregard for his own safety in remaining aloof from the warring factions of the royal family.

Sun-shu Ao appears in the Shih-chi 119 (pp. 3099 ff.) as a prime minister under King Chuang of Ch'u. Sun-shu Ao's government is so effective that he can prevent wrongdoing without invoking punishments. In a short period he was able to rid the state of corrupt officials and robbers, and to provide the people with an environment in which they could find sufficiency and contentment.

These two men are presented here as examples of men who were able to succeed through non-action. The methodology of this approach is described in the Shih-chi 119 (p. 3100) as:

此不教而民從其化.近者視而效之.遠者四面望而法之.

Things like armour and grimaces of wrath[10] are a long way from defending against arms; things like contracts and ceremonial gifts, punishments, penalties and instruments of execution are of little use in resolving difficulties; relying on your eyes to see or your words to command is no way to effect proper order.

When Ch'ü Po-yü became prime minister, Tzu Kung going to see him, asked: "How do you govern the state?" He replied: "I govern it by not governing it."[11]

Chien Tzu (prime minister of Chin, Chao Yang) wanting to attack Wei sent Shih An (the grand historian of Chin, Shih Mo) to go and make a preliminary examination of the situation. Returning, he reported: "With Ch'ü Po-yü as prime

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The allusion in this Huai Nan Tzu passage is perhaps based on the Chuang Tzu 67/24/65: 市南宜僚弄丸而兩家之難解.孫叔敖甘寢秉羽而郢人投兵.

[10] This expression 瞋目抵擊 also occurs in Teng Hsi Tzu 6a as 振目搤腕 and in Shang-chün shu 5/8b as 瞋目抵腕 .

[11] Ch'ü Po-yü occurs in the Chuang Tzu 10/4/54. He is a minister of Wei who, when consulted about how to teach a crown prince lacking in virtuous qualities, emphasizes the dangers involved. To be virtuous and parade one's own talents before him is perilous; to follow him in untoward activities is a course equally fraught with danger. In this passage he is a wise Taoist-oriented councellor who offers advice similar to that given Yen Hui by Confucius at the beginning of this "Jen Chien" chapter. He appears frequently in early literature as a wise and particularly introspective minister (Lun-yü 29/14/25; Huai Nan Tzu 20/9b-10a). In Chuang Tzu 71/25/51 he is spurned for this introspection. In 60 years whatever he has called "right" he has then had to change and call "wrong". He does not have the scope to just leave things alone and refrain from projecting value judgments on them.

minister, the time is not yet right to attack." How could any kind of fortifications have such an effect![12]

Thus, when Kao Yao[13] who was dumb was Minister of Prisons, that the world was free of cruel punishments was because there was something of greater value than the spoken word. 3b When Shih K'uang[14] who was blind became prime minister, that Chin was free of disorderly government was because there was something of greater value than sight. Thus it was that wordless orders and sightless scrutiny were the way that Fu Hsi and Shen Nung taught.

Therefore, the transformation of the people comes not from following what is said but from following what is done. Thus, Duke Chuang of Ch'i was in deed fond of courage but in word discouraged strife, and the state was raked by turmoil leading in due course to his assassination at the hands of Ts'ui Chu.[15]

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[12]Cf. Lü-shih ch'un-ch'iu 20/11a: 趙簡子將襲衛.使史黯往睹之.期以一月六月而後反.趙簡子曰.何其久也.史黯曰.謀利而得害猶弗察也.今蘧伯玉為相.史鰌佐焉.

Shuo yüan 12/17a: 趙簡子將襲衛.使史黯往視之.期以一月六日而後反.簡子曰.何其久也.黯曰.謀利而得害由不察也.今蘧伯玉為相.史鰌佐焉.

[13]Kao Yao is traditionally identified as the Minister of Justice and associated with the institution of punishments under the sage-ruler, Shun. The "Kao Yao Mo" chapter of the Shang-shu is partially devoted to him. See also Tso chuan 387/昭14/附4 and Shih-ching 79/299/5.

[14]Shih K'uang was a music master of Chin who lived during the 6th C. B.C. Throughout Chinese literature he appears time and again epitomizing musical skill and auditory

King Ch'ing Hsiang was in deed fond of women, but in word did not permit criticism of this, and the people were extremely unruly leading ultimately to the problem of Chao Ch'i.[16]

Hence, the influence of the most essential vapours, like the spring vapours giving life and the autumn vapours extinquishing it, happens even faster than the speed of a post horse or courier.[17]

Thus, the ruler is like an archer. Where his aim is off by the slightest degree he will miss the mark by yards. Because of this, he is cautious in how he moves the people.

That on once hearing Jung Ch'i-ch'i play his lute Confucius remained happy for three days was because he was moved by its harmony.[18] That on once hearing Tsou Chi strum his lute, King Wei of Ch'i grieved all night long was because

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sensitivity. For example, see Tso chuan 287/襄18/4左; Hsün Tzu 101/27/129; Han Fei Tzu 40:6; Chuang Tzu 5/2/44, 21/8/5 & 28, 24/10/28 (in this last passage it mentions his blindness).

[15]Ts'ui Chu was a minister of Duke Chuang of Ch'i in the 6th C. B.C. who in 548 B.C. arranged the assassination of his ruler after having provided his own home as a rendezvous for the ruler's indelicate encounters. He then put Duke Ching on the throne and became himself prime minister. Later he was put to death for his regicide and his body was exposed in the marketplace. See Ch'un-ch'iu 304/襄25/1, 2經 and the Tso chuan 305/襄25/2左.

[16]King Ch'ing Hsiang reigned in Ch'u from 298-263 B.C. See Shih-chi 40 (pp. 1728 ff.). There is no mention in the Shih-chi account of his fondness for women, or of this man, Chao Ch'i 昭奇. The Kao Yu commentary identifies Chao Ch'i as a minister of Ch'u. There is a 昭子 who does figure into the record of both King Ch'ing Hsiang and his father, King Huai, but this is 昭雎. In the Shih-chi account of this period, Chao Tzu's advice is basically to form alliances with other states against Ch'in. The

he was moved by its plaintive sound.[19] The fact that one can arouse happiness and grief in others by articulating his feelings in the sound of the lute and lyre whereas he is unable to alter customs and conventions by proclaiming laws and establishing rewards is because (in the latter case) sincerity of mind[20] is not practiced.

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result of accepting and following this advice is that Ch'u is constantly plagued by Ch'in incursions and suffers repeated military defeats at the hands of Ch'in. See Shih-chi 40 (pp. 1726 ff.). Perhaps the allusion here is to this 昭雎 written as 昭奇 in error.

[17]Cf. Meng Tzu 10/2A/1: 孔子曰、德之流行速於置郵而傳命.

[18]For a fuller account of Confucius' encounter with the hermit, Jung Ch'i-ch'i, on Mt. T'ai, see the Lieh Tzu 1/4b and a similar passage in the Kung Tzu chia-yü 4/7a-b.

[19]For this story of Tsou Chi, see Shih-chi 74 (p. 2344):

> 齊有三騶子、其前騶忌以鼓琴干威王、因及國政.封為成侯.受相印.

For a fuller account, see Shih-chi 46 (p. 1889). According to Ch'ien Mu, this event occurred in the first year of King Wei (357 B.C.).

[20]The notion of 誠 and 誠心 is elaborated upon in Huai Nan Tzu 20/3a-b: 故聖人養心莫善於誠.至誠而能動化矣.....聖主在位.廓然無形.寂然無聲.官府若無事.朝廷若無人.無隱士.無佚民.無勞役.無寃刑.四海之內莫不仰上之德.象主之指.夷狄之國.重譯而至.非卢辨而家說之也.推其誠心.施之天下而已矣.....夫矢之所以射遠貫牢者.弩力也.其所以中的剖微者.正心也.賞善罰暴者.政命也.其所以能行者.精誠也.故弩雖強不鉉獨中.令雖明不能獨行.必自精氣.所以與之施道.故攄道以被民.而民心弗從者.誠心弗施也.

> Thus, for the sage in nurturing his mind, nothing is as good as sincerity. And attaining the highest sincerity, he can influence and transform other things....

Hearing Ning Ch'i's melancholy song which came from beneath the ox cart, that Duke Huan (of Ch'i) sighing took a second look shows how deep the most essential vapours touch others.[21] 4a

Hence it is said: As for music, if one hears its sound, he will know what kind of customs there were, and if he sees the customs, he knows how the people were transformed.[22]

When a sage-ruler is on the throne, expansively formless and serenely silent, his bureaucracy seems to have no occupation and his court seems vacant. Without recluses and hermits, without corvee labour and unjust punishments, everyone in the world looks up to his virtue and imitates his principles, and the barbarian nations transmitting word of him from one state to the next all come to pay tribute. It is not a case of going from door to door and convincing one household after another, but rather simply extending his sincere mind, its influence spreads throughout the world....Now, that an arrow can be shot a long distance or can penetrate a hard object is due to the strength of the crossbow, but that it can hit the target or split a small object is accountable to a precise mind. To reward the good and to punish acts of violence is the function of official edicts, but that these edicts can be implemented is accountable to pure sincerity. Hence, even though the crossbow is strong, unassisted it cannot hit the target; even though the edicts are enlightened, unassisted they cannot be implemented. There must be something imparted to them from out of the essential vapours which enables them to extend the Way. Thus, if spreading out the Way to blanket the people, the people do not follow it, it is because the sincere mind has not been extended to them.

[21] A full account of this story is found in Lü-shih ch'un-ch'iu 19/20a-b. This account is repeated almost verbatim in Huai Nan Tzu 12/5b-6a with Ning Yüeh 甯越 in place of Ning Ch'i 甯戚 . References to this story are also to be found in Yen Tzu ch'un-ch'iu 4/30b; Shih-chi 83 (p. 2473); Ch'u-tz'u 1/40a. Ning Ch'i wanted to serve in the government of Duke Huan of Ch'i, but being lowly and poor, had no way of gaining audience. After travelling to Ch'i as a merchant, Ning Ch'i found an opportunity to sing as the Duke passed by his cart. The Duke was so moved by his song that he interviewed him and gave him a post in his administration.

That Confucius studying the lute under Master Hsiang comprehended the intentions of King Wen[23] was because on seeing only the faint he could understand the manifest.[24] That Chi Tzu of Yen Ling[25] on hearing the music of Lu knew the customs of the Yin and Hsia dynasties was because on grasping what was close at hand he could infer what was far away. The culture produced in high antiquity and lasting a thousand years has still not been lost, how much more so the edifying influences brought to bear on the people of that time.

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[22]Cf. similar passage in Lü-shih ch'un-ch'iu 6/6b:

是故聞其聲而知其風，察其風而知其志，觀其志而知其德。

[23]King Wen (1231-1135 B.C.) was the father of King Wu, first ruler of the Chou. He was also known as Hsi Po 西伯, ruling over the territory of Ch'i 岐. He constantly remonstrated against the excesses of Chou 紂, last ruler of the Shang, and was imprisoned for two years because of it. According to legend, he was a man of such quality and character that the military conquest of Shang by his son was almost unnecessary. He had already won the support and allegiance of the people with his personal virtue.

[24]Cf. similar passages in Han-shih wai-chuan 5/6a-b and K'ung Tzu chia-yü 8/6a. By playing a piece of music, Confucius could infer who wrote it--such was the extent of his sagacity.

[25]This passage is perhaps an allusion to Tso chuan 328/襄29/8. The Duke of Wu, Chi Cha, pays a state visit to Lu and asks to hear the music of Chou. After watching a series of performances of music from each particular place and era, he makes his comments. Yen Ling延陵was a city of Wu in which Chi Cha had been enfeoffed. Elsewhere in the Huai Nan Tzu 7/9a, it says of Chi Cha:

延陵季子不受吳國而讓閒田者慙矣。

When Chi Cha of Yen Ling would not accept the throne of Wu, those who contended over border lands were ashamed.

At the time of King T'ang of Yin there was a seven year drought.[26] By personally holding prayer on the outer reaches of Sang Lin, he caused the clouds of the world to gather and rain to fall for hundreds of miles. Embracing simplicity and offering his sincerity, he moved the heavens and the earth. If his spirit understood the realm beyond, how could his orders being carried out and his prohibitions being observed have been any difficulty.

The sage-kings of antiquity, embodying the most essential vapours within, gave them expression[27] by likes and dislikes externally. Their words were spoken to express what was truly on their mind and they issued commands to show their purposes. Setting these out in social norms and music and recounting them in song and verse, their deeds have been known to each succeeding generation without break and have spread to every corner of the world without limit. They shaped and transformed even birds, beasts and the insect world, let alone things like administering the law and implementing edicts.

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[26] References to this drought can be found throughout the corpus of early Chinese literature. See for example Kuan Tzu 3:73-11; Chuang Tzu 45/17/73; Hsün Tzu 36/10/102; Lun-heng 15/10a, 11a, 16b, 17/14a, 15b; 18/8b, 20/3b, 27/3b; Mo Tzu 5/15/18; Shuo yüan 1/15b; Lü-shih ch'un-ch'iu 15/2a. Tradition has it that T'ang reigned 1766-1753 B.C. as the founder of the Shang dynasty. He overthrew the notorious Chieh at Ming T'iao. The severe drought and consequent famine lingered over China for seven long years, and the suffering of the people is described throughout early Chinese literature. It is also recorded that T'ang did everything within his power to alleviate this suffering, and stands in literature as a paragon of selflessness.

[27] There is something obviously wrong with the Huai Nan Tzu version of this passage. The Wen Tzu echo has:

聖人精誠別於內.好憎明乎外.

The characters 忘 and 明 would have had a similar pronunciation in Han times, rhyming except for the tones.

Therefore, the highest ruler is god-like in his transformations. The next makes it impossible for people to do wrong.[28] And the next rewards those of superior qualities and punishes the troublemakers.

Section 4[1]

Because in weighing, a pair of scales shows no partiality to either right or left, it can be level (平). A
Because in measuring, a plumb line shows no partiality to inside or outside, it can be straight (正). A 4b
Because the ruler in administering the law shows no partiality to those he favours, he can be the custodian of fate (命). A

It is by depending upon a given method and dispensing with the human element that in weighing things the scales are precise to the smallest fraction of a gram, that in straightening things the plumb line is accurate to a hair's breadth,[2] and that in redressing any waywardness or deviation the ruler is wholly free of personal prejudice or bias. Deviousness cannot make him waver, slander cannot disturb him, favour is not expressed and ill-will has nowhere to build up. Therefore, for those who constitute the government, intelligence[3] plays no part in it.

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[28] The Shang-chün shu advocates a similar principle in the following passage from 4/10b: 又不得不戰、是謂重彊……所謂明者、無所不見、則群臣不敢為姦、百姓不敢為非……所謂明者、使衆不得不為……是以勇彊不敢為暴、聖知不敢為詐、而虛用兼天下之衆、莫敢不為其所好、而辟其所惡……聖人知必然之理、必為之時勢、故為必治之政、戰必勇之民、行必聽之令、

[1] This section is found as a block in the Wen Tzu 下/19b. The second part of it is also found in Teng Hsi Tzu 5b-6a.

Now, a boat in floating on water and a vehicle in rolling along the land are natural to their circumstances.[4] The reason why one does not feel ill-will towards the tree or the rocks but holds the skill of the driver or boatman to blame when he runs into a tree and breaks the carriage-axle or runs onto rocks and stoves in the boat is because neither intelligence nor knowledge is involved in the case of the tree and rocks. Hence, where the Way is accompanied by intelligence, there will be perplexity; where good deeds are done with deliberate intention, there will be treachery; where the mind is accompanied by the eye, there will be bedazzlement.[5]

No weapon is as piercing as the will--compared to it, even the Mo-yeh sword[6] is inferior; no invader is as great as the yin and yang--compared to these, even the war drums

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[2]Cf. Kuan Tzu 1:47-9:

夫繩扶撥以為正.準壞險以為平.鉤入杜而出直.

[3]There would appear to be textual corruption in the phrase 故為治者不與焉 . The Teng Hsi Tzu 5b has 有治者不操焉 while the Wen Tzu 下/19b has 故為治者知不與焉 . The character 知 (智) may have been omitted by later scribes on the basis of the Kao Yu commentary: 治在道.不在智.故曰不與焉 . We follow Wang Nien-sun in inserting 智 before 不與 . The purport of the passage is reminiscent of Lao Tzu 65:

故以智治國.國之賊.不以智治國.國之福.

[4]Cf. Teng Hsi Tzu 5b:

夫舟浮於水.車轉於陸.此自然道也.

[5]Cf. Teng Hsi Tzu 6a:

夫木擊折轅.水炭破舟.不怨木石而罪巧拙.故不載焉.故有知則感德.有心則險.有目則眩.

The last few phrases are perhaps based on Chuang Tzu 89/32/38:

賊莫大乎德有心.而心有睫.及其有睫也而內視.內視而敗矣.

[6]Allusions to the legend of this famous sword appear through-

are insignificant.[7]

Now the scales, the compass and the square once fixed are not changed. They do not alter their graduations for the sake of Ch'in or Ch'u nor do they change their comportment for the sake of the Hu or Yüeh people. Being constant, they do not vary; circulating everywhere, they are nowhere beyond bounds. Having once been regulated, then ten thousand generations pass them on and operate them through non-action.[8]

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out the early texts. According to the Wu Yüeh ch'un ch'iu 4/20a-b, Kan Chiang 干將 was commissioned by King Ho Lü of Wu 吳闔閭王 to forge two swords. Mo-yeh was the name of Kan Chiang's wife. When he attempted to cast the swords, the gold and iron would not fuse. Thereupon, Mo-yeh cut her hair and clipped her nails, and threw them into the furnace. The metals then commingled, and Kan Chiang fashioned swords from it. The yang sword he called Kan Chiang and the yin sword he called Mo-yeh. Kan Chiang then hid the Kan Chiang sword and presented the Mo-yeh sword to King Ho Lü.

This legend occurs with considerable variance in the 4th C. A.D. Sou-shen chi 11/1b-2b. Kan Chiang is commissioned to forge two swords for the King of Ch'u. Anticipating that he has incurred the King's wrath, Kan Chiang hides the yang sword (Kan Chiang) for his as-yet-unborn son to use in avenging his death. When the son comes of age and hears of his father's execution by the King of Ch'u, he vows revenge. The King hears of this, and places a price on his head. The son cuts his own throat after making an arrangement with a stranger that this stranger present his head to the King of Ch'u to collect the reward, and at that time avenge Kan Chiang. On bringing the head to the King, the stranger suggests that the King make a broth from it (this being the custom in dealing with a worthy enemy). The King boils the head for three days and nights, and it not only fails to disintegrate, but further bobs around in the broth with an enraged stare. The stranger calls the King over to witness this unusual affair on the pretext that it can be reduced by a regal glance. At this point, the stranger dispatches the King with the sword and then decapitates himself, managing to add both of their heads to the boiling cauldron. The three heads disintegrate and blend to the extent that they cannot be distinguished, and are consequently buried in what is called the "Tomb of the Three Kings." On the basis of this tradition, the sharpness of the Mo-yeh sword has become legendary.

Section 5[1]

Hence, there may be a ruler who is fated to lose his state (主), A
but there is no such thing as a Way which does not work (道); A
there may be people who are nonplused by difficult circumstances (窮), B 5a
but principles are always applicable (通). B
Viewing it from this perspective, non-action is the origin of the Way (宗). B
For this reason, when one embodies the origin of the Way (宗), B
he is never at his wits end in responding to things (窮), B
but when he relies upon the talented (才), C
it is difficult to effect the highest orderliness (治). C

Even sage-rulers such as T'ang and Wu[2] would be unable to match the Yüeh people in maneuvering a small craft[3]

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[7] This passage is perhaps based on Chuang Tzu 63/23/51:

兵莫憯於志.銛鉎為下.窮莫大於陰陽.無所逃於天地之間.

[8] We follow the below Teng Hsi Tzu 6a passage in reading the character 刑 as 形:

是以規矩一而不易.不為秦楚緩節.不為胡越改容.一而不邪.方行而不流.一日形之.萬世傳之.無為為之也.

[1] Most of this section is contained in two blocks of Wen Tzu 下/20a and 下/11a-12a.

[2] For T'ang see Section 3 note 26 above. King Wu (1169-1116 B.C.) was the first ruler of the Chou. He rose up in rebellion against the oppressive tyranny of Chou, last ruler of the Shang. Because of the compelling circumstances, his conquest of China has always been interpreted as liberation rather than usurpation. Having conquered the empire, he

on the rivers and lakes (湖). D

Even an outstanding minister like Yi Yin[4] would be unable to match the Hu people in breaking to harness the fine horses of the north (駼).[5] D

Even people as wide in understanding as Confucius and Mo Tzu would be unable to match the mountain people in foraging about the thicket and scaling perilous slopes (阻). D

Viewing it from this perspective, with respect to things, human intelligence is very limited in scope (淺). E If a man, in hoping to be able to light up the whole world and scrutinize all directions, relies exclusively on his own ability rather than on the inevitable outcome of

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disbanded his army and established a feudal system in China, dividing the territory into 18 large states and 72 smaller ones. He ennobled those military and civil supporters who had been responsible for placing him on the throne.

[3]The expression 斡舟 is, according to Wang Nien-sun, an error for 斡舟 .

[4]Yi Yin was the most prominent of T'ang's good councillors who, as the Mo Tzu 9/8/22 and 13/10/23 relates the story, was raised up from the position of servant and cook to become prime minister. The Mencius 37/5A/7 rejects this account, contending that Yi Yin was a landholder known for his virtue, and that T'ang had to ask him three times to become his prime minister. Beginning with the story of his miraculous birth, he also appears in Lü-shih ch'un ch'iu 14/4b. Yi Yin recurs throughout early Chinese literature as an exemplary sage-minister.

[5]The 騊駼 in this passage is a wild horse of the north. 騵(原), according to the Hsü Shen commentary cited in the Ch'ün-shu chih-yao 41/4b, is the name of a state which was southwest of 益州 (an ancient province in what is now Szechwan) and which produced fine horses. The LWT text here has 騊騵馬 , treating 騵 as the name of this state. The Ch'ün-shu chih-yao has 騊原馬 .

practicing the Way, he is pursuing a dead-end path (遠).[6] E That is to say, individual human intelligence is not adequate to the task of bringing proper order to the world.[7]

Chieh's strength was such that he could split a horn, unbend a hook, plait iron, fuse metal and maneuver a great ox about; in the water he could kill a giant turtle and on land he could capture a bear. Nevertheless, T'ang leading only three hundred war chariots surrounded him at Ming T'iao and then captured him at Chiao Men.[8] Viewing it from this perspective, outstanding strength and boldness is not adequate to the task of retaining control of the world.

Since human intelligence is not in itself sufficient to

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[6]Following Wen Tzu 下/20a in reading 遠 for 達. It is doubtful that this section with 殘/遠 is purposely rhymed. The parallel passage which follows this one is not rhymed.

[7]Cf. Ch'ün-shu chih-yao 41/4b-5a version of this passage.

[8]Chieh, last ruler of the Hsia, appears throughout early Chinese literature as the model miscreant. Not only does his unbounded extravagance bring great suffering to his people, but even more villainous, he derives a sadistic pleasure from this suffering. The story of T'ang's distress at Chieh's conduct and the progress of his insurrection is described in Lü-shih ch'un-ch'iu 15/1b. In this account, before crossing swords with T'ang, Chieh flees. He is intercepted at 大沙 where T'ang has him dismembered. A second account--indeed, the most popular--has 南巢 as the place where Chieh dies (e.g. see Lü-shih ch'un-ch'iu 8/5a). Here in the "Chu Shu" chapter of the Huai Nan Tzu, the decisive battle occurs at 鳴條 and Chieh is captured at 焦門. The Kao Yu commentary states that some texts have 巢 for 焦, and the fact that they probably constituted a rhyme would suggest that they refer to one and the same place. The Hsün Tzu 56/15/76 and the Chan-kuo ts'e 30/446/4a are similar to the "Chu Shu" account in locating the battle at Ming T'iao. Huai Nan Tzu 13/10a also states that T'ang captured Chieh at Chiao Men. For a fuller discussion of the location of

effect proper government and boldness is not in itself sufficient to prevail, it is clear that individual human talents cannot be relied upon. This being so, where a ruler comprehends circumstances even beyond the four seas without ever leaving his ancestral hall, it is because 5b
he takes advantage of things to understand things and takes advantage of man to understand man.[9]

That is to say, where concerted strength is applied,
it is equal to any task (勝); F
where the intelligence of the many is employed, it
will succeed in all things (成). F

That household wells do not host giant turtles is because they are too cramped; that flower gardens do not produce huge trees is because they are too small.[10] In lifting a heavy tripod single-handedly, having inadequate strength one will be unequal to the task, but when it is moved by concerted effort he does not necessarily need someone with a great deal of strength. Hence, a multitude of a thousand people has no uncompleted bridges,[11] and an assembly of ten thousand people have no abandoned undertakings.

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this battle and the subsequent events, see B. Karlgren, "Legends and Cults," BMFEA 18, pp. 333 ff.

[9] Cf. Han Fei Tzu 288:1:

夫物衆而智寡、寡不勝衆、智不足以徧知物、故因物以治物、千衆而上寡、寡不勝衆者、言者不足以徧知臣也、故因人以知人、

[10] Cf. Shuo yüan 16/9b:

坎井無黿鼉者隘也、園中無脩林者小也、

[11] Although the meaning of the expression 絶梁 here is unclear, the general intention of the passage is not in doubt.

Now, the two famous horses, Hua Liu and Lü Erh[12] would cover a thousand li in one day. But if one set them to catching rabbits, they would be outdone by a wild dog or a wolf. This is because their skills and abilities are different. During the night an owl can snatch a flea or mosquito out of the air and discern even the tip of an autumn hair. But during the day, stretching its eyes wide open,[13] it cannot even see a mountain or hill. This is because its makeup and nature are inimical to it.[14]

The t'eng snake moves about rambling in the mists; the flying ying dragon ascends into the sky mounting the clouds; a monkey is nimble in the trees and a fish is agile in the water. Thus it was that in ancient times in the construction of a carriage, the varnisher did not do the ornamental drawing and the engraver did not wield the cleaver.

Artisans did not have divergent skills,
scholars did not combine two offices (官). G
Each carried out his duties
and was not allowed to interfere with others (干);[15] G
each man achieved what was suitable to him
and each thing found its place (安).[16] G
As a result, their products were not of inferior
quality and their duties were not neglected (嫚). G

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[12] These are two of the eight fine horses of 周穆王.

[13] Following Wang Yin-chih (LWT 9/8a-b) and the Chuang Tzu 43/17/37 in reading 顛越 as 瞋目.

[14] Cf. Chuang Tzu 43/17/36: 騏驥驊騮一日而馳千里、捕鼠不如狸狌、言殊技也。鴟鵂夜撮蚤、察毫末、晝出瞋目而不見丘山、言殊性也。

Cf. Shang-chün shu 4/12a (see commentary to Shang-chün shu chieh-ku ting-pen p. 68):

騏驎騄耳、每一日走千里、有必走之勢。

Where duties are few they are easy to discharge; where responsibilities are limited they are easy to fulfil; where the burden is light it is easy to do one's part. 6a With the ruler making only very limited demands and his subordinates presenting things easy to accomplish, sovereign and ministers will never become tired of each other.

The Way of the ruler is like the impersonator of the spirit at the sacrifice to the ling star.[17] Being solemn and mysteriously silent, he auspiciously receives good fortune.

Hence, one who embodies the Way does not serve as
an ornament for the ugly (飾) H
or as a standard for the good (極).[18] H
As a hood it is not too big for one man nor too small for ten thousand.

If the ruler exercises the same caution before granting a favour as he does in being severe, the Way of proper government will prevail. Those who grant favour esteem largess. When those who do not give good service are richly rewarded and those who do not exert themselves receive high ranks, ministers with defined duties will grow negligent and those who do not hold office will press for advancement. Those who are severe punish with

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[15] Following Yang Shu-ta p. 58 and the Wen Tzu echo in reading 干 for 姦 .

[16] Cf. P. Thompson's Shen Tzu fragments ms. p. 331 frag. 17:
古者.工不兼事.士不兼工.工不兼事則事省.事省則易勝.
士不兼官.則職寡.職寡則易守.故士位可世.工事可常.

[17] The ling star (靈星) rules over husbandry.

[18] Following Wang Nien-sun LWT 9/9a in reading the phrase 不為醜飾.不為偽善 as 不偽為醜飾.不偽為善極 .

with no grounds.

When the innocent are executed (亡) I
and the upright are punished (刑), I
the well-disciplined will not be encouraged toward good conduct and the wicked will think nothing of defying their ruler.

Magnanimity is a source of villainy (姦) J
and tyranny is a source of strife (亂). J
And villainy and strife are the customs of a doomed state. Thus it is that under the administration of a perspicacious ruler:

in cases where the state carries out punishments
the ruler feels no anger toward the punished (怨). K
Where the court bestows rewards, the ruler plays no part in them (與). K
Those who are punished bear no grudge against the ruler. This is because it is what their crimes deserve. Those who are rewarded do not feel grateful to the ruler. This is because it is what their good service merits.

Because the people know that the source of punishment
and reward lies in themselves (身), L
they try their best to discharge their duties
and do not feel in debt towards the ruler (君).[19] L 6b

For this reason, the court being overgrown with wild grass, there are no footprints, and yet with every corner of the land being cleared for cultivation, there are no weeds in the fields. Thus, as for the most excellent ruler, his subjects only know that he exists.[20]

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[19] Cf. Han Fei Tzu 285:15: 今有功者必賞.賞者不得君.力之所致也.有罪者必誅.誅者不怨上.罪之所生也.民知誅罪之皆起於身也.故疾功利於業.而不受賜於君.

[20] Cf. Lao Tzu 17: 太上不知有之.....功成事遂.百姓皆謂我自然.

Section 6[1]

Now, the upright for the crosspiece on the shadoof[2] being fixed vertically does not move, and yet the movement of the whole apparatus is controlled by it (馬). A The ruler being still and silent does not stir, and yet the bureaucracy is groomed by him (馬). A

This can be likened to the standard bearer of an army--if he signals indiscriminately, chaos will ensue.

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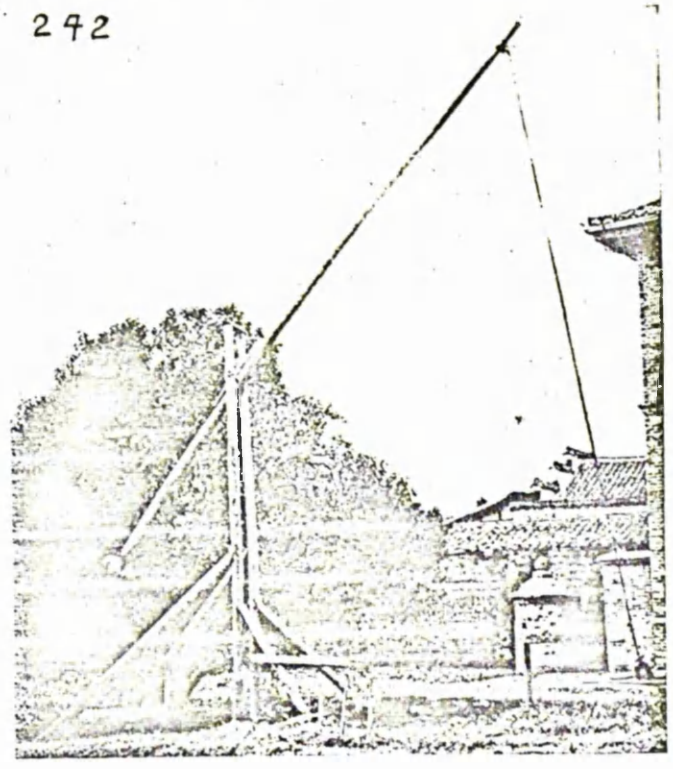
[1]Portions of this section are echoed in Wen Tzu 下/30b, 下/12b and the Ch'üan-shu chih-yao 41/5a-b.

[2]A "shadoof" is the "well-sweep" widely used for irrigation purposes in the Orient. See Hsü Kuang-ch'i's Nung-cheng ch'üan-shu Vol. I pp. 347-8 for an explanation of this device. Also, R. Hommel describes it as follows: pp. 119-20 "Tuan-mu Tz'u, a sage of the 6th century B.C. attests to the antiquity of the well sweep. He describes it as being made of wood, the after part heavy and the fore part light and it can raise water like a pump.... Between two upright posts set firmly in the ground and propped by slanting beams, the large balance-beam is pivoted. One end is weighted with a heavy stone which about balances the other end with the rope and the filled bucket at its end."



Hommel p. 54 describes a similar sweep: "In using this sweep the bamboo rod is pulled down with the bucket at its end to the water, the bucket plunged, filled and then with considerable ease lifted up, the full bucket and the counterweight at the other end of the pole about balancing each other. Thereupon the bucket is swung around to the ditch into which the water is to be poured."

PLATE I

Cleverness is inadequate to the task of bringing about a great peace, and intelligence is inadequate to the task of dispelling danger. Rather than praising Yao and reviling Chieh, we do better to cover up perspicacity and return to cultivating the Way.[3]

If the ruler is limpid, still and non-active,
the heavens will provide him with the proper seasons (時).[4] B
If he does not appropriate what is not his, is frugal and keeps to moderation,
the earth will yield him up its bounty (財). B
If he is content with being stupid while praising the virtues of others,
sages will lend him their advice (謀).[5] B
Thus it is that the myriad things return to low ground (歸) C
and the empire will give to that which is empty (虛).[6] C

(When the ruler listens to state affairs, his vision should be clear and unobscured, and his mind should be open and free of preconceptions. As a result, the various ministers converge on him side by side like spokes at the hub, and

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[3]Cf. similar passages in Chuang Tzu 16/6/23:

與其譽堯而非桀也，不如兩忘而化其道。

Chuang Tzu 74/26/22:

與其譽堯而非傑，不如兩忘而閒其所譽。

This passage is also echoed in the Shih Tzu cited in TPYL 80 (p. 374).

Yao (trad. 2356-2257 B.C.) was a legendary ruler who appears throughout early Chinese literature as a paragon of sagely wisdom and moral virtue. Chieh (trad. 1818-1763 B.C.) (see Section 5 note 8 above), on the other hand, was the last ruler of the Hsia dynasty whose evil actions are regarded as having brought about the decline and fall of his empire. Through a process of gradual inflation he has become known to Chinese tradition as a tyrant of boundless proportions.

[4]Kao Yu interprets 時 as meaning "opportunity."

[5]Following the LWT 9/10a text in reading 之為 as 為之 .

irrespective of intelligence or moral character, all strive to do their best. He then commences to set out his code of social conduct and to establish it as his basis.)[7]

Mounting a chariot which consists of the overwhelming support of the people (車) D 7a
and taking the intelligence of the people as his horses (馬), E
even on a moorland or treacherous stretch of road (塗), D
there is no fear of his not knowing which way to go (惑). E

Since the ruler dwells deep in seclusion and secrecy to avoid dryness and the damp (濕) F, and remains behind layer upon layer of doors (襲) F[8] in order to protect[9] himself against villainy and insurgency,

he is neither (內) G aware of the situation in the population centers (情) H
nor (外) G is he aware of the lay of the land (形). H

Beyond the curtains and hangings, his eye cannot penetrate further than a few miles and his ear cannot hear beyond a hundred paces.[10] Even so, that he is wholly cognizant of all that goes on within the empire is because his communicants and purveyors are numerous. Hence, without going

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[6]This natural propensity of "low ground" to attract is a very popular Taoist metaphor. For example, compare Lao Tzu 39: 高以下為基 ; 61: 大者宜為下 ; and then a more extended passage occurs in Lao Tzu 66:

江海所以能為百谷王者、以其善下之、故能為百谷王。是以欲上民必以言下之、欲先民必以身後之、

[7]This passage in parentheses is repeated below in 9/7b. We have several reasons for suspecting that this first occurrence is interpolation. First, it breaks a rhymed passage which would otherwise be continuous. Second, the Wen Tzu 下 /12b echo is structured closer to the 9/7b passage. Finally, the context here is not really appropriate to the passage. It describes the ruler. The context of the 9/7b occurrence, however, is more consistent in as much as the discussion turns to the relationship between ruler and minister.

beyond his doors, he knows about the world; without peeping out through his windows, he comprehends the Heavenly Way.[11]

When the ruler avails himself of the intelligence of the people,
he can more than cope with the world (有), I
but when he relies exclusively on his own mind,
he cannot even preserve himself (保).[12] I

For this reason, putting the whole world under his bounty instead of bringing his own intelligence into play, the ruler follows what the people find beneficial. When he makes the least move, the whole world gets what it finds advantageous.[13] Thus, though the common people support him above,[14] they do not find him too heavy; though they place him in front, they do not find him an obstacle; though they raise him up, they do not feel that he is too high; though they push him forward, they do not grow tired of it.[15]

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[8]Although 濕 and 襲 do form a rhyme, given their relative positions in the passage, it is unlikely that this rhyme is intentional.

[9]Following Wang Nien-sun (LWT 9/10a-b) in reading the second occurrence of the character 避 as 備 .

[10]Cf. similar and perhaps clearer passages in Lü-shih ch'un-ch'iu 17/8b:

十里之聞.而耳不能聞.帷牆之外.而目不能見.

Hsün Tzu 48/12/94:

牆之外.目不見也.里之前.耳不聞也.

[11]This is an adaptation of the Lao Tzu 47 passage:

不出戶.知天下.不闚牖.見天道.

[12]An abridged version of this passage is found in Ch'ün-shu chih-yao 41/5a.

[13]Following Yang Shu-ta p. 59 in altering this phrase by inserting the character 而 before 天下 to read:

夫舉踵而天下得所利.....

[14]We follow the LWT text 9/10b which has:

故百姓戴之上帝重也

We also insert the character 而 after 上 to make this par-

The reason for saying that the Way of the ruler is round (員) J
is, revolving and turning, it is without a starting point (端). J
He transforms and nurtures like a god (神), J
is vacuous and vacant and follows the natural course of things (循). J
Always keeping to the rear, he never takes the lead (先).[16] J
The reason for saying that the Way of the minister is square (方)[17] K
is that his proposals being unerring,
he takes the appropriate measures (當). K
In carrying out affairs, he takes the lead (倡). K
Discharging his offices and being fully aware of his duties and obligations (明), K
he applies himself to the fulfilment of good service (功).[18] K

For this reason, where the ruler and minister have different Ways, there is proper order, but where they are the same, there is disorder.[19] If each gets what is appropriate to him and dwells in what is right for him, superior and subordinate will deal with each other in the right way.[20] 7b

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allel with the rest of the passage.

[15]This entire passage would seem to be an adaptation of Lao Tzu 66:

是以聖人處上而民不重.處前而民不害.是以天下樂推而不厭.

[16]Cf. similar passage in Huang-ti ssu-ching p. 34:

力黑.力:大堂(庭)之有天下也.安徐正靜.柔节先定.昂溫共(恭)令(儉).卑約主柔.常後而不失(先).

Huai Nan Tzu 1/10b: 是故聖人守清道而抱雌節.因循應變常後而不先.

[17]Following Wang Nien-sun (LWT 9/10b-11a) in reading this

When the ruler listens to state affairs, he should be empty of mind and weak of resolution, and his vision should be clear and unobscured. For this reason, when the various ministers are like spokes converging side by side at the hub, and irrespective of intelligence or moral character, all do their best, then the ruler has the means to hold control over his ministers, the ministers have the means to serve their ruler, and the Way of ordering the state properly is clear.

Because King Wen[21] even with his intelligence was given to consulting others (問), L
he was a sage (聖). M
Because King Wu[22] even with his courage was given to consulting others (問), L
he was a victor (勝).[23] M
If one takes advantage of the intelligence of the people, there is nothing which cannot be shouldered (任); M
if he employs the strength of the people,
there is nothing which cannot be overcome (勝). M

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passage 臣道員者運轉而無方 as 臣道方 by omitting the six characters 員者運轉而無 as interpolation.

[18]For an abridged version of this passage see Wen Tzu /30b and Ch'ün-shu chih-yao 41/5b.

[19]Passages with a similar purport can be found in Kuan Tzu 3:52-3: 故主行臣道則亂.臣行主道則危.故上下無分.君臣共道,亂之本也.故明法曰.君臣共道則亂.

Chuang Tzu 34/13/18: 上無為也.下亦無為也.是下與上同德.下與上同德則不臣.下有為也.上亦有為也.是上與下同道.上與下同道則不主.上必無為.而用天下.下必有為為天下用.此不易之道也.此文意蓋本之.主道宜員.臣道宜方.故當異道.

A weight of eight tons[24] could not be lifted even by Wu Huo.[25] But if the people were to act in concert, a hundred men would have more than enough strength.

Hence, if one relies on the strength of one man,
even a Wu Huo cannot be depended upon (恃). N
but if he takes advantage of the intelligence of the people,[26]
then ruling over the whole world is a task not sufficiently taxing (有). N

Yü[27] diverted the course of the Yangtze and drained off the Yellow river in order to benefit the world, but it was not within his ability to make the waters flow westward. Chi[28] cleared the land in order to encourage

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Lü-shih ch'un-ch'iu 3/10a:
主執圜、臣處方、方圜不易、其國乃昌.

[20]An abridged version of this passage appears in the Wen Tzu 下/12b.

[21]For King Wen see Section 3 note 23 above.

[22]For King Wu see Section 5 note 2 above.

[23]Cf. similar passages in Hsün Tzu 25/8/121:
知而好問、然後能才.
Shuo yüan 17/20a: 孔子曰、巧而好度必工、勇而好同必勝、知而好謀必成

[24]We translate the expression 千鈞 as "eight tons." According to Nancy Lee Swann p. 364, 30 catties (chin) = 1 chün = 16 lbs. 2.2 oz. Therefore, 1000 chün = 16,137.5 lbs. which is approximately eight tons.

[25]Wu Huo is a fabled strongman of antiquity who appears in classical texts as the paragon of physical strength. See Mencius 47/6B/2, Hsün Tzu 37/10/124, Lü-shih ch'un-ch'iu 1/8a. According to the account in the Shih-chi p. 209, he was in the employ of King Wu of Ch'in (r. 310-307 B.C.) who, because of a love for sport, made such strongmen his high ministers.

[26]The SPTK text reads 乘衆人之制. The Wen Tzu, recognizing textual corruption, emends 制 to 勢. We follow Yang Shu-ta

farming among the people, but it was not within his ability to make grain grow in winter.[29] It was certainly not because of a lack of human effort, but because this was not possible in the nature of things. Now if one 8a insists on moving upstream instead of following the inevitability of natural principles, even a saint or sage would be unable to achieve success, how much less the ruler of our present age! Where the cartload is heavy and the horses are emaciated, even a Tsao Fu[30] would not be able to drive far, but where the cart is light and the horses are good, even a person of mediocre

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p. 60 and Yü Ta-ch'eng pp. 277-8, however, in emending 制 to 智. This emendation is based on an earlier passage in 9/7b which reads:

乘衆人之智則無不任也、用衆人之力則無不勝也、

The phrase 乘衆人之智 also occurs in 9/7a. Neither emendation, however, is really conclusive.

[27]The primary source for information on Yü is the first chapters of the Shu-ching. He succeeded Shun to become the founder of the Hsia. He is remembered for his long and bitter struggle to drain the empire after the great flood. In the process of ridding the empire of the floodwaters, Yü divided the world into nine provinces, established a course for the nine rivers and led them to the sea, rid the world of venenous reptiles that infested its marshes and succeeded in a series of incredible engineering feats. There is another reference to the redirection of the Yangtze in Huai Nan Tzu 1/6b:

是故禹之洪瀆也、因水以為師

[28]Chi refers to 后稷 (also known as 棄). He was Minister of Agriculture under Yao and Shun. He was deified under the Hsia, and worshipped as patron god of harvests, although he took a secondary position in relation to Shen Nung. When T'ang, founder of the Shang, degraded Shen Nung's son, 柱, because of the seven year drought, Hou Chi rose to prominence. He continued as God of Agriculture through the Chou dynasty.

[29]Cf. similar passage in Lü-shih ch'un-ch'iu 14/10a:

水凍方固、后稷不種、后稷之種必待春、故人雖智而不遇時、無功、

abilities could drive along at a fast pace.[31] This being the case, in accomplishing things, how could the sage possibly go against the inevitability of natural principle or run contrary to what is natural; how could he make the bent straight or the coiled extended! He always takes advantage of what a thing can be used for and uses it accordingly.

Hence, where concerted strength is applied,
he is more than equal to any task (勝); O
where the intelligence of the people is exploited,
he will succeed in all things (成).[32] O
A deaf person can be made to pound the animal
sinew used in covering bows (筋), P
but he cannot be made to hear (聞). P
A mute person can be made to work in the horse
stables (圉), Q
but he cannot be made to speak (語).[33] Q

This is because their physical persons are not whole and their abilities have their limitations. Hence, one must occupy a position which corresponds to his physical form and discharge affairs which correspond to his abilities. Where one's strength is equal to the burden, he does not feel it difficult to raise; where one's ability is appropriate to his duties, he feels no difficulty in carrying

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[30] Tsao Fu was the chariot driver of Mu Wang. He drove the famous horses of Mu Wang on the journey to the west. Throughout early literature, Tsao Fu appears as the byword for superlative charioting.

[31] This passage is echoed in the Ch'ün-shu chih-yao 41/5b.

[32] At the suggestion of Yü Ta-ch'eng p. 278, we emend the text on the basis of the same phrase which has occurred earlier in this chapter in 9/5b. The character 則 is inserted before 無不.

[33] We follow Wang Nien-sun LWT 9/12a in emending the character 言 to 通語. The character 語 forms a rhyme with 圉.

them out.

If irrespective of the specific characteristics of things,
each thing is given what is suitable to it (宜),[34] R
then each thing in the world will be of equal value
without anything surpassing another (過). R

Because the sage uses things collectively, there is no wasted ability.[35]

Section 7

The ruler sets high store in integrity and conscientiousness. Where men of conscientiousness and integrity preside over affairs, sychophants and villains will have no avenue of approach.

They can be likened to the square being unable to cover the round (蓋) A
and the bent being unable to fit into the straight (入). A

That birds and animals do not run together is because 8b
they are of different species.[1] That the tiger and deer do not gambol about together is because they are not equal in strength. Therefore, when a sage gets his way and is on the throne, those sychophants and villains who want to pull a fast one on the ruler are like a sparrow seeing a hawk or a mouse running into a cat--they are at the end of the line!

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[34] Cf. similar passages in Chuang Tzu 29/12/17:
至無而供其求、時騁而要其宿、大小長脩遠.
and below in this same chapter 9/11b:
無大小修短、皆得其所宜.
As a matter of interest, Wang Shu-min p. 71 suggests that on the basis of this Huai Nan Tzu passage, the Chuang Tzu can be reconstructed as:
至無而供其求、時騁而要其宿、大小脩短、各有其具.

Now, in the single appointment of a prime minister, the ruler must be ever so careful.[2] If the one who is appointed is the right person, the state will be well-ordered, the relations between superiors and subordinates will be harmonious (和) A, the various ministers will be devoted to him and the common people will bend to his will, but if the one who he appoints is the wrong person,

the state will be in peril (危), A
superiors and subordinates will be at variance (乖), A
the various ministers will feel ill-will (怨), B
and the common people will be disorderly (乱). B
Therefore, if he makes an unsuitable appointment as prime minister (當), C
for the rest of his life he will suffer for it (傷). C

The key to success or failure in government (道) D
lies in the ruler (主). D
If the inking line[3] is properly set above,
the wood will be straightened beneath it.
It is not that the inking line does anything in particular (焉), E

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[35]This passage is contained in an abridged form in Wen Tzu 下/12b. Cf. also Lao Tzu 27:

是以聖人常善救人.故無棄人.常善救物.故無棄物.

[1]We follow the LWT text 9/12b which has 群 for 詳. We also follow Wang Nien-sun LWT 9/12b in omitting the character 可 in the phrase 不可同群 which spoils the otherwise parallel structure. The character 可 was probably inserted here on the basis of a similar passage in Lun-yü 38/18/6:

鳥獸不可與同群.

[2]This is an important theme in Confucian texts, in particular, the Hsün Tzu. See for example, 44/12/2:

得其人則存.失其人則亡.....故明主急得其人.而闇主急得其埶.急得其人則身佚而國治.功大而名美.上可以王.下可以霸.....書曰.惟文王敬忌一人以擇.此之謂也.

but because it is the nature of that which the wood follows (然). E

Thus, if the ruler is truly upright, honest officials will be commissioned (事) F

and villainous persons will hide themselves (匿), F

but if the ruler is not upright, wicked persons will achieve their ends and loyal subjects will withdraw into retirement.[4]

Now, why is it that no one tries to split[5] jade while they will try to split melons and gourds? They do not tackle the jade because there is nothing to be gained thereby. If the ruler holds firmly to integrity and

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[3]With respect to this "inking line," R. Hommel pp. 250-1 states: "The carpenter's line marker...is a compact little instrument made of bamboo, a handle, roulette and string fastener. The square little wooden block, at the right in the picture, holds a pointed iron pin and to this pin the hempen string is fastened. The string passes through the inkwell, which is filled with silk-waste saturated with black ink, and thence to the drum or roulette around which it is wound. To mark lines the block with its iron point is pressed into the lumber worked upon, and the line is run out from the roulette through the inkwell and stretched taut over the place to be marked. Then the string is picked up with thumb and forefinger and let go, when it flies back into its former position, leaving a black line along its path."

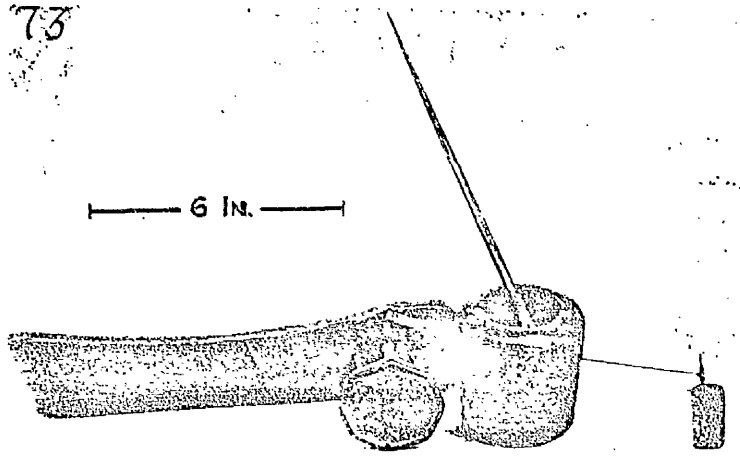

PLATE II

[4]Cf. Kuan Tzu 3:2-9: 故一人之治乱在其心、一國之存亡在其主、天下得失、道一人出、主好本、則民好壐業、主好貨、則人賈市、主好宮室、則工匠巧、主好文采、則女工靡、夫楚王好小腰、而美人省食、吳王好劍、而國士輕死、死與不食者、天下之所共惡也、然而為之者何也、從主之所欲也、

justice as if adhering to a plumb line in measuring the vertical, then those ministers who approach with evil in their hearts will be just like eggs thrown against rocks or fire plunged into water.

Thus, because King Ling (of Ch'u) was partial to slim waists, there were those who starved themselves by cutting back on their food. Because King Kou Chien of Yüeh was fond of courage, his people would all defy danger and vie with one another to sacrifice their lives. If we view it from this perspective, for the person with the control handles of authority and purchase, changing customs is an easy matter.

> When Yao was a man of humble position, he could not even transform the people of one village through his example of benevolence (里), G

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[5] Following Wang Nien-sun LWT 9/13a in reading 振 as 振.

[6] For this reference to King Ling of Ch'u, see Yen Tzu ch'un-ch'iu 7/13b; Mo Tzu 23/15/22; Han Fei Tzu 28:15; Chan-kuo ts'e 14/180/12b; Kuan Tzu 3:2-11; Shih Tzu 上/13a; Hsün Tzu 45/12/31; Yin Wen Tzu 6a-b. The Hsün Tzu and Yin Wen Tzu have King Chuang of Ch'u.

[7] For this reference to King Kou Chien of Yüeh, see Yin Wen Tzu 6b; Yen Tzu ch'un-ch'iu 7/13b; Shih Tzu 上/13a; Mo Tzu 23/15/23 and 27/16/74; Han Fei Tzu 28:14.

[8] We follow Yü Ta-ch'eng pp. 278-9 in emending the phrase 其以移風易俗矣 to 其以移風易矣 by omitting the character 俗.

[9] For Yao see Section 6 note 3, and for Chieh see Section 5 note 8. Cf. similar passages in the Ch'ün-shu chih-yao 37/7b (attributed to Shen Tao):

堯為匹夫.不能使其隣家.至南面而王.則令行禁止.

Han Fei Tzu 297:5:

堯為匹夫.不能治三人.而桀為天子.能乱天下.吾以此知勢位之足恃.而賢智之不足慕也.....堯教於隸屬.而民不聽.至於南面.而王天下.令則行.禁則止.

and yet when Chieh was on the throne, his commands were implemented and his prohibitions were observed (止).[9] G Viewing it from this perspective, it is clear that while moral excellence is not enough to govern the world, political purchase can alter custom.[10] This is what is meant when the Book of Documents[11] states: "If the ruler enjoys an auspicious event, the myriad people benefit by this."

Section 8

Most of the people in the world being dazzled by name and reputation, few have any insight into real achievement. Thus, recluses are exalted because of their fame and itinerants attain eminence because of their sophistry. If we examine the grounds on which they are exalted and attain eminence, it is for the simple reason that the ruler, being ignorant as to the line between benefit and injury, accepts the opinion of the many as wise.

Han Fei Tzu 155:7:

堯為匹夫、不能正三家、非不肖也、位卑也、

Hsün Tzu 68/18/72:

世俗之為說者曰、堯舜不能教化、是何也、曰朱象不化、是不然也、堯舜至天下之善教化者也、南面而聽天下、生民之屬莫不振動從服以化順之、然而朱象獨不化、是非堯舜之過、朱象之罪也、

[10] Cf. Ch'ün-shu chih-yao 37/7b:

由此觀之、賢不足以服不肖……而勢位足以屈賢矣、

Han Fei Tzu 297:8:

由此觀之、賢智未足以服衆、而勢位足以詘賢者也、

[11] Shang-shu 47:0476:

一人有慶、兆民賴之、

This passage also occurs in Ta Tai li-chi 3/5b and Huai Nan Tzu 10/7b.

A properly ordered state is not like this. Those who discuss affairs must be closely scrutinized by the law and those who carry out actions must be tested in office. The ruler takes up their claims and demands realization in terms of real achievement, and the ministers render good service by adhering to what they have said they will do. Words are not allowed to exceed real achievement and actions are not allowed to overstep the law. None of the various ministers, being like spokes in a wheel converging at the hub, would dare monopolize the ruler.[1] (Where an affair does not fall under the rule of law and yet can be of benefit to the state and its administration...)[2] They must be employed according to the system of ts'an wu[3] and

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[1]Cf. similar passage in Ch'ün-shu chih-yao 36/25b (attributed to Shen Tzu--see Creel, Shen Pu-hai pp. 343-4):

是以明君使其臣並進輻湊莫得專君.

[2]The phrase 事不在法律中.而可以便國佐治 would seem to be an interpolation here. It spoils the continuity of the passage, and is best omitted.

[3]This system of ts'an wu 參五 is defined in some detail in the following Huai Nan Tzu 20/4b-5a passage:

昔者五帝三王之治政施教.必用參五.何謂參五.仰取象於天.俯取道於地.中取法於人.乃立明堂之朝.行明堂之令.以調陰陽之氣.而和四時之節.以辟疾疢之菑.俯視地理以制度量.察陵陸.水澤.肥墝.高下之宜.立事生財.以除飢寒之患.中考乎人德以制禮樂.行仁義之道.以治人倫.而除暴亂之禍.乃澄列金木水火土之性.故立父子之親.而成家.別清濁五音六律相生之數.以立君臣之義.而成國.察四時季孟之序.以立長幼之禮.而成官.此之謂參.制君臣之義.父子之親.夫婦之辨.長幼之序.朋友之際.此之謂五.

In antiquity, the Five Rulers and the Three Kings in administering their governments and spreading their

secretly examined to discern their ultimate purposes. He employs them side by side and listens to them all to scrutinize their influence. He does not show the least prejudice or take sides in anything. Thus it is that because the ruler stands at the center and sheds light on the length 9b
and breadth of the world, the various ministers are impartial and upright, and none would dare to be devious. The bureaucracy carries out its duties and devotes itself to meritorious service.[4] If the ruler is perspicacious above,

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teachings used the ts'an wu as a matter of necessity. What does ts'an wu mean? Looking up, they took their signs from the heavens; looking down, they took their standards from the earth; and in the center, they took their laws from man. Thereupon, establishing the court of the ming t'ang and carrying out its edicts, they thereby harmonized the yin and yang vapours. And co-ordinating the divisions of the four seasons, they thereby escaped the calamities of sickness and disease. Looking down and observing the topography of the land, they set up a system of weights and measures. Determining what would be appropriate to the lay of the land, the waterways, the fertility of the soil and the relief, they established occupations and produced goods, thereby staving off the adversities of hunger and cold. At the center scrutinizing human virtue, they set up social norms and music. Implementing the Way of benevolence and rightness, they thereby gave proper order to human relations and eliminated the disasters of violence and disorder. Then, purifying and arranging the natures of metal, wood, water, fire and earth, they thus established the intimacy between father and child and instituted the family. Differentiating the mutually dependent norms of the pure and muddy notes, the five-note scale and the six yang notes of the twelve-note scale, they thus established the righteous duty between ruler and minister and instituted the state. Examining the four seasons and their chi through meng order, they thus established the social rules governing senior and junior and instituted the bureaucracy. This is called ts'an. They established the righteous duty between ruler and minister, the intimacy between father and child, the distinction between husband and wife, the precedence of senior over junior and the intercourse between friends. These are called the wu.

[4]Following Yang Shu-ta p. 60 in reading 公進 as 功績.

the officials will exert themselves to the utmost below. All traces of villainy and deviousness will be erased, and daily progress will be made in the various undertakings. For this reason, the courageous will give their all to military service.[5]

In a disorderly state this is not the case. Those praised by the multitude are rewarded even though they have no accomplishments, whereas those who are faithful in their duties are punished even though they are innocent. The ruler is foolish and shortsighted, and the various ministers form factions and are disloyal.[6] The sophists travel about debating and the well-bred vie with each other in pushing themselves forward. With their cliques they criticize the edicts promulgated by the ruler, and with their deviousness they contravene the prohibitions of law.[7] Those who cultivate wisdom devote themselves to cunning and deceit, and those who cultivate courage devote themselves to contention and strife. The high ministers usurp authority; the low officials seize political purchase. And forming cliques and factions, they manipulate the ruler. Even though this state appears to be functioning, the ancients would have written it off.[8]

> Moreover, without superintending official duties,
> nor bearing arms (兵),[9] A
> nor yet cultivating the fields,
> one may gain the reputation of a worthy sage (聲)-- A
> this is not a doctrine with which to teach the nation.[10]

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[5] Yü Yüeh LWT 9/14a suggests that a phrase 智者..... which would balance 勇者.... has been omitted here. This is probably the case.

[6] Cf. similar passage in Kuan Tzu 3:56-2:

> 亂主不察臣之功勞.譽衆者則賞之.不審其罪過.毀衆者則罪之.如此者.則邪臣無功而得賞.忠正無罪而有罰.

Ch'i Chi and Lu Erh[11] are the fastest horses in the world. But if they do not respond to the harness commands of going forward or stopping, even a moron would not mount them.[12] Now, that which turns the balance between proper government and disorder stands out like carriage ruts, and yet none of the rulers of the age are able to see them. This is why the Way of proper government is blocked.

Political authority and purchase are the carriage of the ruler; rank and emoluments are the harness and bit of the ministers. Hence, because the ruler dwells at the focal point of political power and holds firmly to 10a
the control handles of rank and emoluments, judges nicely the degree of control and is appropriate in when and how much to give and take away, all of the people exhaust themselves in his service without feeling fatigued.

Now the relationship between ruler and minister has neither the substance of the bond between father and

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[7] Following the LWT 9/14a text in reading 則犯之罪 as 則犯之以罪 .

[8] Cf. similar passage in Hsün Tzu 49/12/107:
國雖若存, 古之人曰, 亡矣.

[9] Following Wang Nien-sun LWT 9/14a in reading 而被兵甲 as 不被兵甲 .

[10] Following Wang Nien-sun LWT 9/14b in reading 非所以惜於國也 as 非所以救於國也 .

[11] These are two of the eight famous horses of Chou Mu Wang. Throughout early Chinese literature, they are representative of the finest and fastest horses.

son nor the depth of feeling between flesh and blood relatives, and yet the minister will work untiringly and risk his life for the sake of the ruler. Why is this? It is because political purchase makes him do so.[13]

In antiquity Yü Jang was an official in the household of Chung-hsing Wen Tzu, but when Count Chih attacked the Chung-hsing family and annexed their lands, Yü Jang turned his back on his lord and went into the service of Count Chih. When Count Chih was defeated by Viscount Hsiang of Chao in battle at Chin Yang, he was executed and his state was divided into three. Yü Jang, attempting to take revenge on Viscount Hsiang of Chao, painted his body to look like a leper, swallowed ashes to change his voice and pulled out his teeth to alter his appearance. Now, as the same person serving these two masters with one and the same heart, he in the one case turned his back on and abandoned his master while in the other case he wanted to follow his master to the grave. Surely this cannot be a difference in choice or partiality. It was the difference in the way that he was treated by his masters that was the cause.[14]

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[12]This passage would seem to be based on Han Fei Tzu 236:11:

不服兵甲而顯.不親耕耨而名.又所以教於國也.今有馬於此.如驥之狀者.天下至良也.然而驅之不前.却之不止.左之不左.右之不右.則臧獲雖賤.不託其足.

[13]Cf. Han Fei Tzu 73:13:

君臣之相與也.非有父子之親也.

Han Fei Tzu 70:15:

夫君臣非有骨肉之親.正直之道.可以得利.則臣盡力以事主.

When the tyrant Chou ruled the empire and received the homage of the various nobles at court, every corner that human footprints reached and oars plied offered submission. Even so, King Wu with only three thousand armor-clad soldiers captured him at Mu Yeh. This was certainly not because the Chou people died out of a sense of duty while the Yin people turned against their master. It was because their ruler was bountiful and righteous and his orders were carried out.[15]

When there are strong winds, the waves rise, and where there is thick foliage, the birds gather. This is because these things go together. Thus, when the minister does not get what he wants from the ruler, the ruler will also 10b
be unable to get what he seeks from the minister. The ruler and minister benefit each other only on a basis of reciprocity. Thus, the minister barters with his ruler by offering total commitment to the point of laying down his life while the ruler trades with his ministers by

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[14]The Han Fei Tzu 75:11 has an abbreviated version of this Yü Jang story:

若夫豫讓為智伯臣也.上不能說人主.便之明法術度數之理.以避禍難之患.下不能領御其衆.以安其國.及襄子之殺智伯也.豫讓乃自黔劓.敗其形容.以為智伯報襄子之仇.是雖有殘刑殺身以為人主之名.而實無益於智伯.若秋毫之末.

This story is also found in Chan-kuo ts'e 18/216/5a and in Yü Jang's Shih-chi 86 biography p. 2519.

[15]Chou Hsin 紂辛 was the last ruler of the Shang dynasty who was overthrown at Mu Yeh by King Wu (see Section 5 note 2 above) 1122 B.C. Like Chieh (see Section 5 note 8) before him, the name of Chou is notorious in the annals of Chinese history for unbridled extravagance and cruelty. Together with his wicked consort, he outraged humanity and repaid honest remonstrators with a slow and painful end.

offering the dispensation of noble ranks. Just as the ruler cannot reward a minister who has rendered no service, a minister cannot die for a ruler to whom he owes no gratitude.[16]

When the favours of the ruler do not flow down to the people, for him to want to get service out of them is like whipping an unruly horse (馬). B
It is like hoping for a ripe harvest (雨) C
without rain (稼). B
It is simply impossible (數). C

Section 9[1]

The Way of the ruler is to cultivate his person by dwelling in quietude and to lead his subjects with frugality and moderation. If he is quiet, his subjects are not disturbed; if he is frugal, his people will have no cause to complain. His subjects being disturbed means political disorder; his people having cause to complain means that his bounty is not generous. Where there is political disorder, those of superior character will not proffer their plans, and where the ruler's bounty is not generous, those with courage will not die for him.

Therefore, if the ruler has a penchant for predatory birds and ferocious animals, rare and exotic things, and is crafty, nervous, anxious and disorderly, if he is not sparing with the efforts of his people, enjoys horses and hunting and takes to the field at whatever time he pleases, then the

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[16] Cf. Han Fei Tzu 267:7:

且臣盡死力以與君市.君垂爵祿以與臣市.

Shuo yüan 6/1a:

君臣相與以市道接.君懸祿以待之、臣竭力以報之.

duties of his bureaucracy are thrown into disorder and hard work will mean less wealth, the people will be miserable and distressed, and their means of livelihood will not be kept in proper order. Where the ruler is fond of high pavillions, deep ponds, sculptured and engraved ornamentation, beautifully colourful patterns, fine linen and embroidery, precious stones and jewels, then his taxes will be exorbitant and the energies of the common people will be utterly spent.

In accepting the empire it was not that Yao[2] coveted possession of the world or coveted the ease of being ruler. Seeing that the common people struggled among themselves, the strong dominating the weak and the many oppressing the few, Yao then personally comported himself in accordance with moderation and frugality, and elucidating the virtue of mutual love, he brought the people together in harmony. Therefore, the roofing thatch was not trimmed, the rafters were not cut and finished,[3] the ruler's carriage was not

11a

The SPTK version of this passage reads:

是故臣盡力死節以與君計君垂爵以與臣市.故君.....

but the LWT text reconstructs it as:

故臣盡力死節以與君.君計功垂爵以與臣.是故君.....

[1]For an abridged version of this section, see Wen Tzu 下 /21b.

[2]For Yao see Section 6 note 3 above.

[3]Cf. Han Fei Tzu 340:2:堯之王天下也.茅茨不翦.采椽不斲.糲粢之食.藜藿之羹.冬日麑裘.夏日葛衣.

Huai Nan Tzu 7/7a:今高臺層榭.人之所麗也.而堯樸椽不斲.素題不枅.珍怪奇味.人之所美也.而堯糲粢之飯.藜藿之羹.文繡狐白.人之所好也.而堯布衣捐紗鹿裘御寒.養性之具不加厚.而增之以任重之履.故拳天下而傳之于舜.若解重負.

There is also a fragment in Han-shih wai-chuan 8/8b.

ornamented, mats were not hemmed, pottage was not seasoned, and grain was not polished, going on his progression and spreading his guidance, he laboured assiduously in the empire and travelled to each of the five sacred peaks. Surely the lifestyle of the emperor could not bring anything but enjoyment and yet he took the whole empire for the sake of the empire and not because he derived any personal benefit from it. When he became old and weary and abdicated in favour of Shun,[4] it was just like stepping back and kicking off his sandals.

When the age is in decline, however, it is different. The ruler, once having gained the wealth of possessing the empire[5] and having occupied the purchase attendant upon his position, will then exhaust the energies of the common people in catering to his own desires. His mind is wholly preoccupied with buildings, pavillions, ponds, gardens, ferocious animals, precious stones and exotic objects. Consequently, the poor people do not even have dregs and chaff to eat and yet the tigers, wolves and bear fill themselves on the various kinds of meat; the common people are sparsely clothed in coarse rags and yet palaces and halls are draped with silk and embroidery. The ruler gives priority to these kinds of enterprises which serve no useful purpose, and the people of the empire become haggard and gaunt. Thus it is that he causes the empire to become discontented with its way of life.

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[4] Our primary source for Shun, like Yao, is the early chapters of the Shu-ching. Through his own virtue he was able to transform and civilize the world. Together with Yao, he stands in early literature as history's exemplary ruler--unsurpassed in virtue or statesmanship.

[5] Following the Wen Tzu 下 /21b and LWT texts in reading 一日而有天下之當 as 一日而有天下之富 .

Section 10[1]

The position of the ruler is like the brilliance of the sun and moon (明). A
He is that which all of the people in the world alike strain their eyes to see,
prick up their ears to hear,[2] 11b
and crane their necks and stand on tiptoe to gaze upon (望). A
Hence, unless he is calm and tranquil, he will have no way of manifesting his virtue. Unless he is peaceful and silent, he will have no way of extending his influence a long way. Unless he is liberal and expansive, he will have no way of presiding over all things. Unless he is commiserative and generous, he will have no way of winning over the people. And unless he is just and impartial, he will have no way of making decisions.

Therefore, the superior ruler in his use of men is like the skilled workman in the handling of his wood. Large pieces are used for boats and beams; small pieces are used for oars and joists; long pieces are used for eves and rafters; short pieces are used for gargoyles and decorative designs. All of these irrespective of their size find their niche, and all shapes of material have their application.[3]

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[1] This section appears in an abridged form as a block in Ch'ün-shu chih-yao 41/5b-6b. The first portion also occurs in Wen Tzu 下/21b.

[2] Cf. Chan-kuo ts'e 3/42/5a: 側目而視.傾耳而聽.

The expression 傾耳而聽 also occurs in Chia t'ai-fu hsin-shu 1/16b and Li-chi 29/1a.

[3] See Section 6 note 34 above.

Of all things in the world, nothing is as deadly as the herb, aconitum.[4] And yet that a good doctor will put it in a pouch and keep it on hand is because it has its use. Even among the resources of nature's thriving forests there is nothing which can be discarded, how much less so in the sphere of man![5]

Now, that the court does not promote (譽) B someone and the local people do not praise him (譽) B is not because he is unworthy, but rather because the job they have put him into is not in keeping with his true vocation.

When a deer is climbing on a mountain, even a roe deer is not able to follow it, but once having come down from the mountain, even a shepard boy can chase it. This is because individual abilities have their strengths and weaknesses. Therefore, a person of broad abilities should not be pressed for intricate skills, and a person of limited intelligence should not be entrusted with great enterprises.

> Each person has his talents and each thing has its disposition (形). C
>
> There are some persons who are overburdened when entrusted with one affair, while there are others who are still comfortable when handling a hundred

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[4] The Kao Yu commentary glosses 鴆毒 as 烏頭 . Wang Nien-sun LWT 9/17a identifies it as 烏毒 . For a detailed description of this herb, its various names and species, and its therapeutic properties, see Pen-ts'ao kang-mu 17 pp. 46-50. The herb 烏頭 is known as aconitum chinense (and 附子 , a growth on the 烏頭 , as aconitum sineuse). The genus aconitum covers about 300 species of flowery perennial herbs which are more commonly known as monkshood, friar's cap and wolfsbane. The roots of all of these species contain

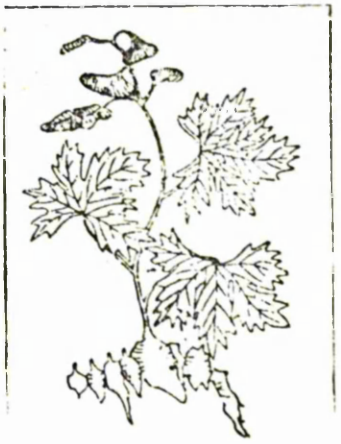

PLATE III

times as much (輕).[6] C

For this reason, a person proficient in making detailed calculations will certainly be lost on great computations (數); D

a person who does not neglect the promotion of small details will become confused in advancing great undertakings (擧). D 12a

This is the same as the fact that a badger cannot be made to pounce on an ox, and a tiger cannot be made to catch mice.

Now, here is someone who has the talent to want to bring peace to the world, bring together the territories beyond the frontier (外), E

rescue an imperiled state and revive a doomed age (世). E

He can concentrate his attentions on righting the administration, correcting disorder (邪), F

settling intricacies and straightening out difficulties (挈), F

and all you do is give him the responsibility for details of court ceremony and trifling affairs. On the other hand, here is another man who only has a glib tongue, is poorly endowed, flatters and fawns, and finds great pleasure in rhetoric. He follows vulgar customs and bends himself to

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aconitine (aconite). This toxic extract was commonly used by the ancient Chinese for preparing arrow poisons. Medicinely, aconite was used externally as a local anesthesia and internally to treat hypertension, heart disease and severe fever. There is still no known antidote for this poison.

[5]Cf. Lao Tzu 27: 是以聖人常善救人.故無棄人.
常善救物.故無棄物.
是謂襲明.

please the eyes and ears of the common herd,[7] and yet you entrust him with the pivot on which the order and disorder of the empire depends. This is like splitting a hair with an axe or using a knife to fell[8] a tree--in both cases they are unsuited to their task.

Section 11[1]

The ruler sees with the eyes of the empire,
hears with the ears of the empire (聽), A
thinks ahead with the intelligence of the empire
and contends with the strength of the empire
behind him (爭). A

For this reason, his edicts and commands are able to penetrate to the lowest layer and the plight of his subjects is heard by him above. His bureaucracy functions smoothly, and his various ministers are like spokes converging at the hub.[2] He does not reward on account of pleasure or punish on account of anger.

For this reason, his authority being established
will not waver (發=廢), B

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[6]Cf. Huang-ti ssu-ching p. 21:

任一□重.任百則輕.人有其中.物有其刑.

[7]Emending text to read:

隨鄉曲之卑俗.下衆人之耳目.

[8]Following Wang Nien-sun LWT 9/17b and the Ch'ün-shu chih-yao 41/6b in reading the character 拔 as 伐 .

[1]An abridged version of this section is contained as a block in Wen Tzu 下/21b-22a. The last part of this section is also contained in the Ch'ün-shu chih-yao 41/4a-b.

[2]Cf. Shen (Tao) Tzu 8a (this is the 慎懋賞 edition generally regarded as a spurious compilation--see P. Thompson ms. Introduction): 故人主者.以天下之目視.以天下之耳聽.以天下之智慮.以天下之力動.是以號令能下究.而臣情得上聞.百官修道.群臣輻輳.

his intelligence shining forth[3] will not be obscured (弊), B

his laws and edicts being explicit will not be unduly harsh, his sight and hearing being penetrating will not be beclouded, and what is really good and bad daily being set out before him, he still anticipates[4] nothing.

Thus, those of superior qualities contribute their full intelligence and those of inferior character contribute their full strength. The ruler's favour and bounty covering the length and breadth of the land is impartial, and the various ministers labouring assiduously are not remiss. Those near are contented with their way of life and those far away are won over by his magnanimity. The reason for this is because understanding the Way of using people he does not rely on his own abilities. 12b

Thus, one who makes use of a carriage and horse can travel a thousand li without tiring his feet (里); C

one who avails himself of a boat and oars can cross rivers and seas without even knowing how to swim (海).[5] C

Han Fei Tzu 305:16: 人主以一國目視.故視莫明焉.以一國耳聽.故聽莫聰焉.

Teng Hsi Tzu 11a:

以天下之目視.則無不見.以天下之耳聽.則無不聞.以天下之智慮.則無不知.

[3]Following Wang Nien-sun in reading 先 as 光 .

[4]See Lun-yü 29/14/31 for this use of 逆 .

[5]Cf. Hsün Tzu 1/1/8:

假輿馬者.非利足也.而致千里.假舟楫者.非能水也.而絕江河.

Shuo yüan 16/5a: 乘輿馬.不勞致千里.乘船楫.不游絕江海.

Ta Tai li-chi 7/6b:

假車馬者.非利足而致千里.假舟楫者.非能水也.而絕江海.

Now, rulers are such that they truly want to tap the collective intelligence of the world and utilize the full strength of the people. Even so, of the various ministers who make their purposes known and offer their loyalty, few indeed avoid placing themselves in peril. Even where the advice comes from a rudely clad bumpkin or woodcutter, if it is sound, it should not be disregarded. Even where the advice is from the prime minister or the ruler of a state issuing policy from the ancestral temple, if the advice is unsound, it should not necessarily be implemented. To the question of where right and wrong reside, noble and base, exalted and lowly are irrelevant. Thus, when a perspicacious ruler listens to his ministers, if the advice can be used, he is not ashamed of their lowly position. As long as the advice can be implemented,[6] he does not insist upon an eloquent presentation.[7]

For the obtuse ruler, this is not the case. Even when his favourites and intimates are depraved and without integrity, he is unable to see it. Even when[8] the lowly and those distant from him[9] exhaust their energies and do their utmost in his service, he is unable to appreciate it. He drives those who come with advice into a corner with his own eloquence and imposes punishment on those who come with admonition. A ruler like this 13a
who yet wants to cast the light of his rule over the world and preserve the empire intact is no different

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[6] Following Wang Nien-sun LWT 9/18b in reading 其主言可行 as 其言而可行 .

[7] An abridged version of this passage is found in Ch'ün-shu chih-yao 41/4a-b.

[8] Following Liu Wen-tien 9/18b-19a and the Ch'ün-shu chih-yao 41/4a-b in inserting 雖 before 竭 and omitting the character 則 .

[9] Following LWT 9/18b in omitting 則 from 疏遠則卑賤 .

from a man stuffing up his ears who yet hopes to distinquish the clear from the discordant, or a man covering his eyes who yet hopes to distinquish blue from yellow. He is certainly far removed from penetrating insight!

Section 12[1]

Law is the rod and measure of the empire and the level and line of the ruler. Those who publish the laws apply them to those who violate them; those who set up rewards reward those who deserve them.[2] Once the laws have been fixed, those who satisfy the regulations are rewarded while those who fall short of the line are punished.[3] For the exalted and noble, punishments are not commuted, and for the lowly and base, punishments are not made more severe. Where one violates the law, even if he be a man of superior character, he must be punished. Where one abides by the standards, even if he be a man of little worth, he must be deemed innocent. Therefore, the route of impartiality will remain open while that of special interests will be stopped up.[4]

The purpose of setting up a bureaucracy in antiquity was

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[1]This section is contained almost in its entirety in two blocks in Wen Tzu 下/30a-b and 下/30a.

[2]Cf. Han Fei Tzu 277:7:
人主雖使人、必以度量準之、以刑名參之、以事遇於法則行、不遇於法則止、

[3]Cf. Han Fei Tzu 265:16: 中程者賞、弗中程者誅、

Teng Hsi Tzu 10b: 明君立法之後、中程者賞、缺繩者誅、

[4]Cf. Han-shih wai-chuan 6/2a:
公道達而私門塞、公義立而私事息、

to prevent the people from being self-indulgent. That they enthroned a ruler was to control the bureaucracy and prevent it from doing as it pleased. Law, records, social norms and a code of moral conduct are to prevent the ruler from arrogating all decisions to himself. Where the people are not allowed to be self-indulgent, the Way prevails, and the Way prevailing, principle rules. Thus, they return to a state of non-action. Non-action does not mean stagnating and not moving, but rather that nothing is initiated from the self.

The centimeter comes from the millimeter, the millimeter from the shape, the shape from the shadow of the gnomon, and the shadow from the sun.[5] This is the root of measurement. Music comes from notes, notes from the pitch-pipes and the pitch-pipes from the wind. This is the ancestry 13b
of sound. Law comes from rightness, rightness from what the people find congenial, and what the people find congenial is in harmony with the human mind.[6] This is the pivotal point of proper order. Thus, one who understands the root fully will not be confused at the tip, one who sees the pivotal point will not be deluded by details.

> Laws do not drop from the heavens nor spring forth from the earth (生). A
> Arising out of human society, they then revert to regulate the society itself (正).[7] A
> Therefore, what is in oneself should not be condemned in others (人); B
> what is lacking in oneself should not be expected in others.[8] B

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[5] Following Yü Yüeh LWT 9/19b-20a in rearranging the original order of 日, 形 and 景 to 形, 景 and 日. Cf. Huai Nan Tzu 3/11b.

[6] Cf. Huai Nan Tzu 10/1b: 義者比於人心而合於衆適者也.

That which is established below should not be abandoned above;
that which is prohibited for the people (民) B should not be practiced by oneself (身).[9]

What is called a "doomed state" does not mean that it is without a ruler, but that it is without laws. "Changing laws" is not being without laws, but having laws and not enforcing them is tantamount to not having any at all.[10] Therefore, the ruler in establishing laws first makes himself a model and example, and thus, his commands are carried out in the world. Confucius said: "Where the ruler himself is upright, without even articulating his commands they will be carried out; where he is not upright, even issuing commands they will not be followed."[11] Thus, if prohibitions are observed by the ruler himself, his commands will prevail among the people.

Section 13[1]

The government of a sagacious ruler is like the charioting

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[7] Cf. Shen (Tao) Tzu 11b-12a:
子愼子曰:法非從天下,非從地出,發於人間,合乎人心而已.

[8] Cf. Mo Tzu 77/45/3: 有諸己,不非諸人,無諸己,不求諸人.

Yen Tzu ch'un-ch'iu 3/20b:
有之己不難非之人,無之己不難求之人.
See also Huai Nan Tzu 10/3b.

[9] Cf. Yen Tzu ch'un-ch'iu 3/18b:
求所乎下者,不務乎上,所禁乎民者,不行乎身.

[10] Emending the text to read: 有法者而不用 .

[11] See Lun-yü 25/13/6.

of Tsao Fu.[2] He controls the carriage from the point at which the reins join the bit and regulates the tightness of his grip on the reins from the agitation of the horses' lips. He decides appropriate measures in his own mind and retains a firm grip on the reins in his own hands.[3] 14a What he arrives at in his own mind within is externally in accord with the intentions of his horses. Thus, the reason that he is able to move forward and withdraw as straight as a plumb line, turn a corner as roundly as a compass, and even after covering a great distance still have energy to spare is because he truly understands the technique.[4]

Thus, political authority and purchase is the carriage of the ruler and the great ministers are his team of horses. There has never been a case past or present of a driver escaping danger who leaves the safety of his carriage and loses the responsiveness of his horses to his hands. Therefore, if the carriage and the horses are not concordant, even a Wang Liang[5] would be unable

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[1]This section is contained almost in its entirety as a block in Wen Tzu 下/28b-29a.

[2]For Tsao Fu see above Section 6 note 30.

[3]Cf. Lieh Tzu 5/8a-b:

凡所御者未如此也……脅輯乎轡銜之際而急緩乎脣吻之和，正度乎胸臆之中，而執節乎掌握之間，內得於中心而外合於馬志，是故能進退履繩而旋曲中規矩，取道致遠而氣力有餘，誠得其術也。

[4]Cf. Chuang Tzu 50/19/59: 進退中繩，左右旋中規，

This is repeated in Lü-shih ch'un-ch'iu 19/13a.

[5]Wang Liang (also known as 鄧無正) is often coupled with Tsao Fu as the foremost charioteers of antiquity.

to take to the road. If the ruler and his ministers are not in harmony, even a Yao or Shun[6] would be unable to govern properly. If with a firm grip on the methodology he drives it (i.e. the chariot of state), then a Kuan Chung or a Yen Tzu[7] would serve him to the full extent of his intelligence; if he shows up clearly the distinction between different stations, then the wickedness of a Robber Chih or a Chuang Ch'iao[8] can be prevented from arising.[9]

If leaning on the well-crib one peers down to the bottom of the well, even a person of exceptional vision will not

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[6]For Yao see Section 6 note 3, and for Shun see Section 9 note 4.

[7]Kuan Chung (d. 645 B.C.) became prime minister under King Huan of Ch'i and administered the government so successfully that he became known to Chinese history as the model statesman. As such, a very varied collection of essays and commentaries on political and economic matters was gathered under his name probably in the late 4th C. and early 3rd C. B.C. at Ch'i's Chi-hsia academy.

Yen Tzu (d. 493 B.C.) was also a minister of Ch'i. He has become known for his ascetic habits. Like Kuan Chung, a collection of writings was gathered under his name and called the Yen Tzu ch'un-ch'iu. The two main themes of this almost Mohist text are frugality and the promotion of worthy men. Perhaps our most reliable source for information on both Yen Tzu and Kuan Chung is the Tso chuan.

[8]Robber Chih 盜跖, a contemporary of Confucius, is one of the arch-villains of early Chinese literature, terrorizing the countryside in search of booty and women. The 29th chapter of the Chuang Tzu portrays Robber Chih as a ruthless and yet not altogether unattractive man who gives the pious and obsequious Confucius a sound verbal lashing for the hypocracy of his teachings. In Confucian texts, on the other hand, he is grouped together with the wicked emperors, Chieh and Chou. See Hsün Tzu 3/1/45 and 89/23/54.

Chuang Ch'iao 莊蹻 (蹺) was a relative and a general of King Wei of Ch'u (r. 339-329 B.C.). His story is to be found in Han-shu 95 (p. 3838). He was sent out on an expedition by his king, but having his return cut off, he set

be able to see the reflection of his pupils. If, however, he uses a mirror to reflect himself, he can examine the smallest detail. Therefore, the eyes and ears of the perspicacious ruler are not fatigued nor is his spirit spent. He observes the form of things as they present themselves; he responds to affairs in their transformations as they occur. So long as that near at hand, namely himself, is not in disorder, then that far away, namely things and affairs, will be properly ordered. Thus, because he does not resort to what is contingently so but rather uses what is necessarily so, in his innumerable undertakings he is wholly free of error.[10]

Now, in charioteering, when the bodies of the horses are concordant with the carriage and the heart of the driver is in harmony with his team, in driving them through rough terrain and to distant quarters, and in manoeuvering them about,[11] they will follow his every whim. But even where one has horses as fine as Ch'i Chi and Lu Erh,[12] if it is given to servants and slaves[13] to drive them, the 14b
horses on the contrary will be wilful and the drivers will not be able to control them.

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himself up as king over a barbarian territory and adopted their ways.

[9]Cf. Shih Tzu 上/8b:

正名以御之.則堯舜之智必盡矣.明分以示之.則桀紂之暴必止矣.

[10]Cf. Han Fei Tzu 355:10: 不隨適然之善.而行必然之道.

[11]We emend the text from 進退周游 to 進退周旋 . Another instance of this same corruption can be detected in a comparison between 14/9b which has 趨翔周遊 and 7/10b which has the same expression as 趨翔周旋 . This expression also occurs in Li-chi 12/11 as 進退周旋慎齊 .

[12]See Section 8 note 11 above.

Thus, in government, causing one's subjects to have no chance to do wrong is valued above any voluntary inclination to do what is right. Therefore it is said: Rather than relying on people not to seek after something, do not make the thing desirable; rather than relying on them not to contend over something, make the ownership of the thing indisputable. If this is done, then with individual human ability being put to one side, public-spiritedness will prevail. Since the exceptional do not[14] exceed the norm while the deficient are up to being useful, the whole world can be equally put to good use.[15]

If the ruler ignores actual achievements and pays attention to reputation, and if he ignores the public good which has been done and pays attention to cliques and factions, then those of unusual talents and good looks will be promoted out of turn[16] while those who carry out their duties faithfully will be blocked and not be

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[13] The Kao Yu commentary identifies 臧獲 as a man of Lu who was noted for his inability to drive a chariot. The encyclopedia TPYL 746 (p. 3313) goes one step further in changing 臧獲 to 烏獲 . However, there is the following passage from Han Fei Tzu 236:13:

> 今有馬於此.如驥之狀者.天下之至良也.然而驅之不前.卻之不止.左之不左.右之不右.則臧獲雖賤.不託其足.臧獲之所願託其足於驥者.以驥之可以追利辟害也.今不為人用.臧獲雖賤不託其足焉已.

There are many such occurrences in Han Fei Tzu where with the expression 臧獲 --slaves and servants--are described driving horses. See for example 122:5, 236:14, 272:6, 300:15, 301:4, 352:3 and 354:4.

[14] Following Wang Nien-sun LWT 9/21b in reading the phrase 美惡正於度 as 美惡止於度 .

[15] We interpret the phrase 海內可一也 as expressing the notion of equal utility which is central to the principles 用眾 and 各得其宜 . This mode of expression is consistent

promoted. Under such conditions, popular customs will be in chaos in the society at large, and ministers with meritorious service will have to contend for recognition in the court.

Thus, since laws and measurements are the ruler's means of controlling his subordinates, to discard them is like trying to gallop without a harness and bit, and will ultimately reverse the situation and enable the various ministers and common people to manipulate the ruler. For this reason, those who have methods of statecraft control others, while those without them are controlled by others.[17]

Section 14[1]

If a fish large enough to swallow a ship inadvertently swims aground, it will be at the mercy of the insects.[2] This is because it has left its habitat. If a monkey leaves the trees, he will be seized upon by foxes and badgers. This is because it is in an environment not its own.

If the ruler abandons his proper concerns and attempts to vie with his ministers,[3] the officials will seek by inactivity to hold on to their positions and those in 15a
office will seek by toadying to the ruler to avoid being discharged.[4] As a result, the ministers hide their

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with Hsün Tzu 12/4/77 (also 51/13/48):

斬而齊、枉而順、不同而一.
Irregular and yet even, bent and yet in line, different and yet equal...

[16]Reading 踰次 for 于次. As is apparent from Karlgren's reconstructions, these two characters would have been close in pronunciation during Western Han.

intelligence and do not use it, passing the burden on to their ruler instead.

Now, the fact that the noble and wealthy are willing to go to work, that the astute are willing to look into affairs, and that the proud and arrogant are willing to show respect is because their political purchase is not equal to that of their ruler.

If a ruler does not entrust the able but is instead fond of doing things personally, his intelligence will become increasingly taxed and he will take upon himself the burden of responsibility. If his methods of statecraft are not able to cope with his subordinates, he will not be able to prevail. If he is not able to insist on his line of conduct in his state, he will be unable to claim exclusive control.[5] Since his intelligence is not sufficient to effect proper government and his prestige is not sufficient to enforce punishments, the ruler will not have the means to deal with the empire.[6]

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[17]Cf. Hsün Tzu 9/4/23:
先義而後利者榮.先利而後義者辱.榮者常通.辱者常窮.通者常制人.窮者常制於人.

See also 31/9/126, 38/11/26 and 39/11/35.

[1]This passage is included as a block in Wen Tzu 下/23b-24a.

[2]Cf. Lü-shih ch'un-ch'iu 17/15a:
吞舟之魚.陸處則不勝螻蟻.

[3]Following Wang Nien-sun LWT 9/22a in reading the phrase 與臣下爭 as 與臣下爭事.

[4]Cf. Lü-shih ch'un-ch'iu 17/7a-b:
人主以好為示能.以好喜自奮.人臣以不爭持位.以聽從取容.是君代有司為有司也.是臣後隧以進其業也.

[5]Cf. Lü-shih ch'un-ch'iu 17/13b:
為人主而數窮於其下.將何以君人乎.

Where pleasure and anger form in the ruler's heart and desires are manifest in his countenance,[7] then officials will abandon what is proper and pander to the desires of the ruler, and will bend the laws and follow his inclinations. Rewards will not tally with accomplishments and punishments will not correspond to the crime. Superior and subordinate will become estranged and ill-will will grow between ruler and minister. Therefore, when officials obsequious to the ruler commit errors, there is no way of taking them to task. If the guilty are not punished, the bureaucracy will seeth in turmoil that even intelligence cannot settle[8] and praise and blame will sprout forth that even perspicacity cannot illumine.[9] If the ruler does not rectify the basics and return to his natural condition,[10] he will become increasingly weary and the ministers will have an increasingly easy time of it. It is like standing in for a cook in skinning an animal[11] or cutting down a tree in place of a master carpenter.[12] If he attempts to race

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[6] Cf. Teng Hsi Tzu 9b:

君人者不能自專而好任下則智日困而數日窮.迫於下則不能申.行隨於國則不能持.知不足以為活.威不足以行誅.無以與下交矣.

[7] Following Wang Nien-sun LWT 9/22a and the Wen Tzu 下/23b in reading 者欲 as 嗜欲.

[8] Following Yü Ta-ch'eng pp. 289-90 and the Wen Tzu 下/23b in inserting the character 而 before the phrase 智弗能解也.

[9] Cf. Lü-shih ch'un-ch'iu 17/6b: 人主好以己為.則守職者舍職而阿主之為矣.阿主之為.有過則主無以責之.則人主日侵.而人臣日得.

[10] The LWT text has 自然 for 自脩, but this would seem to be little more than speculation.

[11] This is an allusion to Chuang Tzu 2/1/26:

庖人雖不治庖.尸祝不越樽俎而代之矣.

with a horse, he can tear his tendons and still not keep up with it, but if he mounts a chariot and takes up the reins, the horse will submit[13] to his harness.

Now, if with Po Lo[14] choosing the horses and Wang Liang[15] 15b
at the reins, the perspicacious ruler mounts the carriage, the fact that he can travel a thousand li without the effort of driving or choosing the horses is because availing himself of the abilities of others he uses them as his aides.[16]

Therefore, the ruler in being non-active looks after his concerns (守), A
and in establishing policies[17] is without partiality (好). A

If he initiates activity, he provokes slander, and if he demonstrates partiality, he invites flattery.

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[12] This is an allusion to Lao Tzu 74:

夫代大匠斲者. 希有不傷其手矣.

[13] The SPTK text has 焉死于衡下 ; LWT has 从 , an alternative form of 死 (Morohashi 16366). The Wen Tzu 下/23b has the character 服 for 死 which makes a much better reading. We follow the Wen Tzu here.

[14] Po Lo 伯樂 was a famous horse trader and trainer reknown for his judgment of horses. He is also known as 孫陽 . He appears in Chuang Tzu 22/9/6 and 16; Lü-shih ch'un-ch'iu 24/3a; Huai Nan Tzu 2/6a and 11/9a-b.

[15] For Wang Liang see Section 13 note 5.

[16] Cf. Lü-shih ch'un-ch'iu 25/6b:

夫馬者伯樂相之. 造父御之. 賢主乘之. 一日千里. 無御相之勞而有其功則知所乘矣.

[17] Following Wang Nien-sun LWT 9/22b and the Wen Tzu 下/24a in reading 有為 as 有立 . If we do not emend 有為 , there is an obvious conflict with the phrase which follows: 有為則擾生.

Of old Duke Huan of Ch'i being fond of exotic tastes, Yi Ya boiled his first born son to gain his confidence. The ruler of Yü being fond of precious things, Duke Hsien of Chin lured him with jade and horses. The King of the Hu being fond of music, Duke Mu of Ch'in seduced him with female entertainers.[18] These men all fell under the control of others through greed.

Thus, the passage: "What is firmly planted cannot be uprooted."[19] Now, though fire is hot, water extinguishes it; though metal is hard, fire melts it; though wood (i.e. in the form of a tree) is strong, axes cut it down; though water flows, earth dams it up. Only the Creator cannot be undone.

Therefore, desires inside not coming out is called being sealed up (扃); B
external evils not entering is called being closed off.
Where the internal is sealed up and the external is closed off (閉), C
what possible affair is not regulated (節)? C
Where the external is closed off and the internal is sealed up (扃), B
what possible affair will not reach culmination (成)?[20] B

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[18] These three examples are also found in Huai Nan Tzu 7/12a-b:

虞君利垂棘之璧而擒其身.....桓公甘易牙之和而不以時葬.胡王淫女樂之娛而亡上地.

There is a similar passage in Han Fei Tzu 28:15 which is in part echoed in Huai Nan Tzu 9/8b-9a above. For the Duke Huan of Ch'i story, see Kuan Tzu 2:40-8; Han Fei Tzu 51:15, 28:15, 266:8. For the ruler of Yü story, see Tso chuan 89/僖 2/3. For the King of the Hu story, see Han Fei Tzu 50:1.

[19] This passage echoes Lao Tzu 54.

[20] Cf. Lü-shih ch'un-ch'iu 17/4b:

故曰中欲不出謂之扃.外欲不入謂之閉.

Only in not utilizing something is one able to use it (之); D
only in not doing something is one able to do it (之). D
Where the spirit is fatigued, it dissipates (越); E
where the senses are indulgent, the spirit is spent (竭). E
Thus, the ruler in possession of the Way extinguishes thought and dispenses with guessing (意), F
and waiting in limpidity and vacuity (待), F
he uses words that do not boast and takes action that does not rob subordinates of responsibility (事).[21] F
He makes demands of fulfilment according to claims made.
He lets them get on with their duties (司) F
without telling them how (詔); G
he expects them to fulfil their duties
without instructing them (教). G
He takes not knowing as his Way (道), H
and not knowing what to do as his treasure (寶). H 16a
Acting in this way, each of the various officials has his appointed tasks (守).[22] H

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[21] Wang Nien-sun LWT 9/23a would read 伐 as 代, and Yang Shu-ta p. 63 would read 奪 as 奮, but neither emendation improves the grammar.

[22] Cf. Lü-shih ch'un-ch'iu 17/13b:

故有道之主 因而不為.責而不詔.去想去意.靜虛以待.不伐之言.不奪之事.督名審實.官使自司.以不知為道.以奈何為寶.

Cf. also the Wen Tzu 下/24a version:

故不用之.不為之而有用之而為之.不伐之言.不奪之事.循名責實.使自有司.以不知為道.以禁苛為主.如此則百官之事各有所務.

Section 15[1]

If one holds firmly to the handles of authority and purchase, it will be easy for him to transform the people. That Tzu Lu served the ruler of Wei was because the ruler's authority was considerable;[2] that Kuan Chung and Yen Tzu served the Dukes Huan and Ching of Ch'i as ministers was because the ruler's position was exalted.[3] That the timid can subjugate the brave and the ignorant can control the intelligent is because the purchase in which they lodge themselves is superior. Therefore, it is said: "The branch must not be bigger than the trunk and the tip must not be stronger than the root. This is because[4] there is the means whereby one controls the other (例) A, just as with the five fingers as adjuncts to the arm one can strike, pull, clutch and pinch as he so desires." In other words, the small is adjunct to the large (大).[5] A

He who has the advantage of having purchase by holding on to the extremely small is able to make use[6] of the very big, and by holding on to the essential is able to have extensive control.

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[1]This section is contained in an abridged form as a block in Wen Tzu 千/30b-31a.

[2]Tzu Lu 子路 (仲由) also called 季路, was one of Confucius' closest disciples. He first served in Lu and then later in Wei. He was noted for his courage (Shih-chi p. 2191). In 480 B.C. there was a revolt in Wei, and Tzu Lu died as a result of his loyalty to his overlord. For an account of this see Shih-chi 67 (p. 2193) and Tso chuan 491/哀15/附2.

[3]Kuang Chung was minister to Duke Huan of Ch'i and Yen Tzu to Duke Ching of Ch'i. See Section 13 note 7.

[4]Emending text by inserting 何 to read 何則輕重大小.

[5]The 45 character passage which ends here may be an interpolation.

[6]Following Wang Nien-sun LWT 9/24a in reading 仕 for 存.

Thus, that a thin beam (木) B
can support a heavy roof (屋) B
or that a small bolt can control the opening and closing of a gate--how could it be due to their size! It is because their position is pivotal.[7]

Even though Confucius and Mo Ti cultivated the political methods of the former sages, were well-versed in discussion of the six arts,[8] expressed themselves orally and practiced what they advocated, those who cherished and followed their teachings and became their disciples were no more than a few dozen.[9] If, however, they had occupied the throne of emperor, the whole empire would have become their followers.

King Chuang of Ch'u, afflicted by the death of his minister, Wen Wu-wei, at the hands of Sung, rose[10] to his feet and threw down part of his sleeve.[11] With a continuous procession of officials taking to the road, they formed an army beneath the walls of Sung.[12] This was because 16b
his political influence was considerable.

King Wen of Ch'u being fond of wearing a hsieh chih ceremonial cap, the whole state of Ch'u followed suit. King Wu-ling of Chao attending court with a belt of shells and bird plumage, the whole of the state of Chao was transformed by him.[13] If, however, a commoner or peasant were

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[7] Cf. Shuo yüan 16/2a:
一圍之木持千鈞之屋.五寸之鍵而制開闔.豈材足任哉.蓋所居要也.

[8] The six arts are: 禮.樂.射.御.書.數.

[9] The number of Confucius' disciples is mentioned in Shih-chi 47 and 67 (p. 1938 and 2185); Kung Tzu chia-yü 9/1a; Lü-shih ch'un-ch'iu 14/18b; Ta Tai li-chi 6/2b-3a; Huai Nan Tzu 21/7a; Mencius 12/2A/3; Han Fei Tzu 342:14.

to attend court wearing this ceremonial cap or belt of shells and bird plumage, he would only bring ridicule on himself.

There is not one man in ten thousand who being devoted to goodness and deriving pleasure from proper conduct will voluntarily abide by laws and regulations without being pressed by prohibitions and punishments. But if the ruler issues commands which brook no disobedience so that those who accord with them will benefit while those who defy them will bring grief on themselves, before there is time for the shadow of the sun to move, everyone will conform to the rule of law.

Therefore, if one were to take a stance grasping the blade of his sword,[14] even a Pei-kung Tzu or Ssu-ma K'uai K'uei[15] could not take on an adversary, but if he were to grasp the hilt and raise the tip, even a person of ordinary skills would be able to take the victory.

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[10] Following LWT 9/24b in reading 起 for 越.

[11] The King was trimming his sleeves and threw down the piece that he had just removed. See Lü-shih ch'un-ch'iu 20/16b-17a for a fuller account.

[12] For the circumstances leading up to this, see Tso chuan 168/文14/附2. For a full account, see Lü-shih ch'un-ch'iu 20/16b-17a and Shih-chi 40 (p. 1702).

[13] There is no reference to this penchant of King Wen of Ch'u in the Shih-chi 40 account of his reign, but there is mention of the strange dress of King Wu-ling of Chao in Shih-chi 43 (p. 1810).

[14] The text being obviously corrupt at this point, any translation can only be tentative.

[15] According to the Kao Yu gloss, this Pei-kung Tzu is the Pei-kung Yu 北宮黝 who appears in Mencius 10/2A/2 devoting

Now, even if Wu Huo or Chieh Fan were to attempt to lead an ox by the tail from behind, the fact that they would pull the tail off without budging the ox is because they are acting contrary to the way of things. But if one were to pierce the ox's nose with a sprig of mulberry, the fact that even a half-grown boy could lead it around 17a
the country is because he is following the way of things.[16]

That with a seven ch'ih oar we can manoeuver a boat is because we make use of the water. That the emperor has only to issue commands to have them implemented and observed is because he takes the people as his purchase. If the ruler prevents that which injures the people while encouraging that which brings them benefit, his authority will prevail like the opening of a dike or the breaking of a dam. Hence, if one goes downstream with the current, he will easily get to his destination; if one gallops along with the wind at his back, he will easily travel far.[17]

When Duke Huan of Ch'i presided over the government, he got rid of meat-eating animals, grain-fed birds and snaring nets. Simply by doing these three things, he pleased the people.[18] Chou of Yin killing Prince Pi Kan, incurred the

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himself to the cultivation of courage and boldness.

Kao Yu identifies Ssu-ma K'uai K'uei as a descendant of 伯休甫 who was made ssu-ma under King Hsüan of Chou (r. 827-782 B.C.) and who thus took ssu-ma as his surname. With the decline of the House of Chou, the descendants of Po Hsiu-fu travelled to other states. Ssu-ma K'uai K'uei was a well-known swordsman of Chao.

[16] Cf. Lü-shih ch'un-ch'iu 1/8a:

使烏獲疾引牛尾，尾絕力勁而牛不可行，逆也。使五尺豎子引其捲而牛恣所以之，順也。

For Wu Huo see Section 6 note 25 above. According to Kao Yu, Chieh Fan like Wu Huo was a man reputed to have incredible physical strength.

resentment of his relations, and breaking open the legs of men wading through the morning stream,[19] provoked a revolt of the common people. Simply by doing these two things he lost the empire. Thus, it is not that rightness is able to benefit all of the people in the world, but that in benefiting one, it wins over the whole world. It is not that tyranny inflicts injury on all of the empire's people, but that in injurying one, it stirs the whole world to revolt. Thus it is that Duke Huan in doing these three things united the various nobles, whereas Chou of Yin in his two actions forfeited even the right to live as a commoner. Therefore, actions are something one must be exceedingly careful about.

Section 16[1]

The ruler in levying his taxes on the people
must first calculate the yearly income,

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[17] Cf. I-Chou-shu 4/9a:

王欲求天下民.先設其利而民自至.譬之若冬日之陽.夏日之陰.不召而民自來.

[18] Cf. Lü-shih ch'un-ch'iu 25/11b:

齊桓公即位三年三言而天下搆賢.群臣皆說.去肉食之獸.去食粟之鳥.去絲置之網.

[19] For the story of Chou Hsin cutting the heart out of Prince Pi Kan, see Shih-chi 3 (p. 108). Our "Chu Shu" passage would seem to be based on Shang-shu 210643:

斬朝涉之脛.剖賢人之心.

Watching men wading through a stream in the cold of the morning, Chou Hsin noticed that some of them could endure the cold better than others. In order to determine the reason for this endurance, he had several legs broken open to investigate. See commentary on SPTK Shang-shu 6/5a.

[1] Large portions of this section are found in Chia t'ai-fu hsin-shu 下/3a-4b; Wen Tzu 下/24b-25a, 24a-b; Ch'ün-shu chih-yao 41/6b-7a and 7b-8a.

assess the accumulated stores of the people (聚), A
and know the extent of surplus or shortage in the
yearly harvest (數) A
before exacting enough to cover his carriages,
clothing and food (食), B
and to satisfy his desires (欲). B
It is not that high pavillions and storied buildings (榭) C,
connecting halls and towers (闕) C are not magnificent.
But where his people do not even have caves or thatched 17b
huts in which to find shelter, a perspicacious ruler does
not enjoy them. It is not that fat meats, rich wines,
sweetmeats and delicacies are not delicious. But where
his people do not even have dregs or bare staples to put
into their mouths, the perspicacious ruler finds no relish
in them. It is not that a peaceful bed and soft matting
are not agreeable. But where his people are dwelling in
the remotest frontier settlements, brave every kind of
peril, and finally perish with their bones bleaching in
the sun, the perspicacious ruler finds no comfort in them.

Therefore, the ruler of antiquity was concerned about the
hardships of his people to the extent that if there were
starving people in his state, at each meal he would have
only one single dish, and if there were freezing people,
in winter he would not attire himself in fur garments.[2]
Only when the harvest was good and the people had plenty
would he then set up the bells and drums and display the
shields and axes, and with ruler and subject, superior and
subordinate all with one mind enjoying these, there will
be no one left out in the whole state. Therefore, the use

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[2] Cf. Chia t'ai-fu hsin-shu 下/3b:
然後天子備味而食、日擧以樂、諸侯食珍、不失鍾鼓之縣、
可使樂也者、上下同之、故禮國有飢人、人主不珍、國有凍
人、人主不裘、

of metal, stone, pipes and strings by the ancients was to express their pleasure. Weapons, armor, battleaxes and broadaxes were to give a more polished expression to their anger. The ceremonies of libations and offerings were to represent their gladness.[3] Funeral garments and sedge footwear, beating of the breast and weeping were to demonstrate their grief. These are all instances of the general truth that what one is full of inside will express itself outside.

During the reign of an incompetent ruler, in taxing the people,

> he does not take into account what they can support (力) D
> and in making demands on those below he does not
> assess their accumulated stores (積). D
> The men and women are unable to devote themselves
> to their occupations of farming and weaving (織) D
> in having to meet the ruler's demands.

With their energies and their wealth totally spent, there is animosity between subject and ruler. When circumstances reach the point where the people in the face of great hard- 18a
ships can barely eke out a subsistence living, he still[4] sounds the great bell and beats the drums, sounding the reeds and flutes and strumming the lutes and zithers. As incongruous as suiting up in armor to enter the ancestral temple or attiring oneself in rich brocade to march off to war, he has completely lost sight of the raison d'etre of music.

As respects the livelihood of the people, one man tilling the soil can cultivate no more than ten <u>mou</u> of land, and the annual yield from average land does not exceed four <u>shih</u>. Women and children, the old and the infirm depend

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[3] Following Wang Nien-sun LWT 9/26b in reading 喜 for 善 .

[4] Following D.C. Lau p. 156 in omitting the character 始 .

on it. From time to time it suffers the setbacks of flood, drought and natural calamity. And in addition, it must be used to pay the various taxes and war surcharges of the ruler. Taking it from this perspective, a man's life is wretched indeed.

According to the great reckoning of the heavens and earth, from three years of cultivating, there is one year's surplus. Generally, from nine years, there are three year's stores set by; from eighteen years there are six and from twenty-seven there are nine.

> Even in the face of the calamities of flood, drought and natural disaster (殃), E
> none of the people will be destitute or wander about homeless (亡).[5] E
> Therefore, a state without nine year's stores is called insufficient,
> without six year's reserves is called critical(急) F
> and without three year's stores is called desperate (乏).[6] F

Thus, when a benevolent and perspicacious ruler is moderate in his taxes and his own expenses,[7] his people will enjoy the bounty of the heavens and the earth and not suffer the miseries of hunger and cold.

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[5] Cf. Chia t'ai-fu hsin-shu 上/56b:

民三年耕而餘一年之食.九年而餘三年之食.三十歲而民有十年之蓄.

Li-chi 5/29:

三年耕必有一年之食.九年耕必有三年之食.以三十年之通.雖有凶旱水溢.民無菜色.

[6] Cf. Chia t'ai-fu hsin-shu 上/57a:

國無九年之蓄謂之不足.無六年之蓄謂之急.無三年之蓄國非其國也.

Li-chi 5/29: 國無九年之蓄曰不足.無六年之蓄曰急.無三年之蓄曰國非其國也.

But if an avaricious and tyrannical ruler causing grief for those under him poaches on the preserves 18b
of his people to gratify his insatiable desires (欲), G
the common people will be unable to enjoy the harmonious vapours of the heavens and the bounties of the earth (穠). G

Food is the foundation of the people, people are the foundation of the state and the state is the foundation of the ruler.[8]

Thus, the ruler takes advantage of the appropriate times (時), H
makes full use of the earth's plenty (財) H
and deploys human effort wisely (力). I
As a result all living things reach maturity and
the five grains thrive (植). I
He teaches the people to raise the six domestic animals (畜), J
to plant trees at the proper times (樹), J
to labour diligently in the cultivation of the fields
and to plant mulberry bushes and hemp widely (麻), K
to use each kind of terrain and quality of soil to its best advantage (宜) K
so that on hills and slopes which will not produce the five grains (穀) L
they grow bamboo and wood (木). L
In the spring he teaches them to prune out what is rotten

For a related passage see Han-shu p. 1123.

[7] Cf. Mencius 19/3A/3:
是故賢君必恭儉禮下,取於民有制.

[8] Cf. Kuan Tzu 1:9-10:
天下者國之本也,國者鄉之本也,鄉者家之本也,家者人之本也,人者身之本也,身者治之本也.

Cf. Chia t'ai-fu hsin-shu 下/43a: 聞之於政也,民無不為本也,國以為本,君以為本,吏以為本.

and dry, in summer to gather the fruit and berries, in autumn to lay in the vegetables and grains and in winter to cut and gather firewood.

This then becomes the basis of the people's livelihood (資). M

In life there is no shortage of necessities and in death there are no abandoned bodies (尸).[9] M

In hunting, the laws of the former kings did not permit the extermination of the whole herd or flock or the trapping of the young. They did not allow the draining off of the ponds to fish, the burning down of woods to hunt, the spreading out of nets in the wild prior to the autumn's wild dog sacrifice, the spreading out of nets in the water prior to the spring's otter sacrifice, the spreading out of bird-nets in valleys and river gorges before the autumn falconry, the logging of hill forests before the autumn 19a
shedding of leaves, the burning off of fields before the hibernating of the insects. They did not allow the killing of pregnant animals, the collecting of fledglings and bird eggs, the taking of fish less than a foot in length, or the consumption of piglets less than a year old.[10]

Thus, that grasses and trees billowed forth like rising steam, that birds and animals rushed to his domain like a flowing spring, and that birds of the air swarmed to him like clouds of smoke was because he has that which attracts them.

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[9] Cf. I-Chou-shu 4/8a-b: 陂溝道路.藂茸丘坟.不可樹穀者.樹之林木.春發枯槁.夏發葉榮.秋發實蔬.冬發薪烝.以匡窮困.揖其民力.相更為師.因其土宜.以為民資.則生無乏

[10] Cf. I Chou-shu 4/8b: 旦聞禹之禁.春三月山林不登斧.以成草木之長.夏三月川澤不入網罟.以成魚鱉之長. 以
成草木之長.夏三月川澤不入網罟.以成魚鱉之長.

In the political administration of the former kings,
when the clouds gather from the four seas (in spring), they would repair the boundary demarcations (疆). N
When the toads croak and the swallows alight (in the third month), they would open up the roads.
When the yin vapours fall on the various streams (in the tenth month), they would repair the bridges (梁). N
When the chang star culminates at dusk (in the third month), they would devote themselves to the planting of rice (穀). O
When the ta huo star culminates at dusk (in the fourth month), they would plant millet and beans (菽). O
When the hsü star culminates at dusk (in the eighth month), they would plant wheat (麥). O
When the mao culminates at dusk (in autumn), they would harvest[11] and lay in their crops (言) O
and cut firewood (木).[12] O
Above they would report to Heaven (天) P
and below they would command the people (民). P

Cf. Li-chi 5/28:
獺祭魚然後虞人入澤梁.豺祭獸然後田獵.鳩化為鷹然後設罻羅.草木零落然後入山林.昆蟲未蟄不以火田.不麛.不卵.不殺胎.不殀夭.不覆巢.

[11] Following LWT 9/28b in emending 收 to 收 .

[12] Cf. Shang-shu ta-chuan 傳一下/1b-2a:
主春者張昏中可以種穀.主夏者火昏中可以種黍.主秋者虛昏中可以種麥.主冬者昴昏中可以收斂.秋昏虛星中可以種麥.主冬者昴昏中可以收斂.田獵斷伐當上告之天子而下賦之民.
Cf. Shuo yüan 18/2b-3a: 古者有主四時者.主春者張昏而中可以種穀.上告于天子.下布之民.主夏者大火昏而中可以種黍菽.上告于天子.下布之民.主秋者虛昏而中可以種麥.上告于天子.下布之民.主冬者昴昏而中可以斬伐田獵.蓋藏.上告之天子.下布之民.

The former kings in making preparations in accordance with the proper time, enriching the country and benefiting the people, in settling unpopulated areas and attracting those from a distance, showed that in their Way nothing was left out. It is not that they as the heart could be the eyes and feet in seeing and carrying things out. But so long as the heart never loses sight of wanting to benefit the other organs, those organs will fulfil their functions of their own accord. The heart in its relationship to the nine orifices and the four appendages is not able to do the job of any one of them, and yet in moving, listening and looking all depend on it for direction. This is because it never loses sight of wanting to benefit them. 19b

Thus, when Yao did good deeds, this attracted other good deeds; and when Chieh did evil deeds, this attracted other evil deeds. Where good accumulates there is success, but where evil accumulates, disaster knows no bounds.[13]

Section 17[1]

Speaking of man generally, while in his mind he wants to be circumspect, in his will he wants to be large; while in intelligence he wants to be round, in his conduct he wants to be square; while in his abilities he wants to have many, in his affairs he wants to have few.

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[13] Cf. Lü-shih ch'un-ch'iu 13/5b:

故堯為善而衆善至桀為非而衆非來.

This brief passage discussing good and evil seems very much out of context here, and may well be an interpolation. There are 27 characters in this passage--enough for possibly one bamboo chien. This Section 16 and the Section 17 which follows on from this passage are both highly structured, and it is unlikely that they would contain this loose strand. While the Ch'ün-shu chih-yao 41/8a echo does contain the passage in question, the Wen Tzu 下/24a-b does not.

What is meant by "in his mind he wants to be circumspect" is that he considers a situation and prepares for it before disaster strikes, he guards against error, is vigilant in dealing with matters in their embryonic stages, and is not given to self-indulgence.

"In his will he wants to be large" means that he embraces all of the various states, is tolerant of all of the different customs (俗) A
and broods over all of the people as though they belong to one family (族). A
With right and wrong converging as spokes,
he acts as the hub (轂). A

"In his intelligence he wants to be round" means that he turns round and round like a ring (運) B
without beginning or end (端), B
he flows far and wide to the far corners (達), C
and is as inexhaustible as a deep spring (竭). C
As the ten thousand things arise together (應) D
he responds to every one of them (興). D

"In his conduct he wants to be square" means being upright and unbending (撓), E
pure white and untarnished.
It means not compromising his integrity even in adversity (操) E
and not being given to self-indulgence even when successful.

"In his abilities he wants to have many" means he is competent in both literary and military affairs and consistent with correct manners in his every

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[1] This section is contained almost in its entirety in Wen Tzu 下/3b-4a. It is also contained in part in Ch'ün-shu chih-yao 41/8a-9a.

movement (俄). F
In his policies and his promotions and dismissals
he is right on target (宜), F
and free of any opposition he achieves happy
results in all of his undertakings (宜). F

"In his affairs he wants to have few" means that he
has a firm grasp on the handles and methods of poli-
tical control. Securing the essentials he responds
to the many (衆), G
and grasping the small he administers the broad and
far-reaching.
He dwells in tranquillity and holds on to the center (中), G
and turning around from the pivot (樞) H
as if matching tally sticks (符), H
he responds fittingly to the myriad with the one.

Therefore, one whose heart is circumspect is scrup-
ulous about matters in their embryonic stages (微); I
one whose will is large is all-encompassing (懷); I
one whose intelligence is round is all-knowing (知); J 20a
one whose conduct is square has that which he will
not do (為); J
one whose abilities are many can do everything (治); K
one whose affairs are few makes sure that that which
he holds on to is the essential (持). K

Of old, when the emperor would hold court, the high min-
isters would proffer honest admonition, the learned
scholars would chant the odes, the music masters would
sing their criticisms, the common people would communi-
cate their opinions, the court historians would chronicle
errors in judgment, and the court chefs would deprive the
ruler of his refreshments, but still this was not consid-
ered enough for the rulers.[2]

Thus, Yao set up a drum for those offering bold admonition, Shun established a notice board for criticisms, T'ang instituted an independent judicial authority, and King Wu provided a small drum to forewarn him against rashness.[3] Before an error could show itself there was already a safeguard against it.[4]

The sage's attitude toward goodness is that there is nothing so small that he will not promote it; his attitude toward mistakes is that there is nothing so trivial that he will not reform it. Yao, Shun, T'ang and Wu all imperturbably faced south and ruled.[5] At this time, at the sound of the gong they would begin eating, at the sound of the yung music they would clear the food from the table, and after eating the rice they would sacrifice to the kitchen range. Before travelling, they did not resort to shamans and prayer-masters. Even ghosts and spirits would not dare bring evil on them and even mountains and streams would not dare to inflict calamity on them. While it can be said they were the

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[2] Cf. Lü-shih ch'un-ch'iu 20/12a-b: 是故天子聽政.使公卿列士正諫.好學博聞獻詩.瞽箴.師誦.庶人傳語.近臣盡規.親戚補察.而後王斟酌焉.

Chia t'ai-fu hsin-shu 上/81b-82a:

及太子既冠成人.免於保傅之嚴.則有司直之史.有勸膳之宰.天子有過.史必書之.史之義.不得書過.則死.而宰收其膳.宰之義.不得收膳即死.於是有進善之旌.有誹謗之木.有敢諫之鼓.瞽史誦詩.工誦箴諫.大夫進謀.士傳民語.

Kuo-yü 158: 故天子聽政.使公卿至於列士獻詩.瞽獻曲.史獻書.師箴.瞍賦.瞽誦.百工諫.庶人傳語.近臣盡規.親戚補察.瞽史教誨.耆艾修之.而後王斟酌焉.

Ta Tai li-chi 3/3a is almost identical with Chia t'ai-fu hsin-shu 81/b-82a cited above.

most exalted of men,

even so nervously (慄) L

they became more and more careful (日).[6] L

Viewing it from this perspective, the mind of the sage is circumspect. This is what the Shih-ching means in saying: "Oh, this King Wen, so careful and scrupulous he illustriously served Shang Ti, and therein embraced great good fortune."[7]

When King Wu conquered Yin,[8] he distributed the grain stores of Chü Ch'iao granary and the monies of the Lu T'ai coffers, set up a memorial tomb for Pi Kan, honoured Shang Jung's village, worshipped at the ancestral shrine of Ch'eng T'ang and liberated Chi Tzu from his incarceration.[9] 20b

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[3] For Yao, see Section 6 note 3; for Shun, Section 9 note 4; for T'ang, Section 3 note 26; for Wu, Section 5 note 2.

[4] Cf. Lü-shih ch'un-ch'iu 24/5a:

堯有欲諫之鼓.舜有誹謗之木.湯有司過之士.武王有戒慎之鞮.

Teng Hsi Tzu 8b-9a:

堯置敢諫之鼓.舜立誹謗之木.湯有司直之人.武有戒慎之銘.

[5] Following D.C. Lau p. 156 in omitting Yü and reconstructing this phrase as: 堯舜湯武皆坦然南面而王天下焉.

[6] Cf. Hsün Tzu 67/18/65: 曼而饋.代睪而食.雍而徹乎五祀.

[7] This is from Shih-ching 59/236/3. It is also cited in Li-chi 32/10 and Tso chuan 422/昭26/附4.

[8] Following Wang Nien-sun LWT 9/30a in reading 克殷 for 伐紂.

[9] Tradition records a series of actions undertaken by King Wu on assuming the throne. This stock list is repeated in the following texts: Shih-chi 3 (p. 108); Shang-shu ta-chuan 僞三/3b; Lü-shih ch'un-ch'iu 15/2b-3a; I-Chou-shu

Leaving the people to dwell in their own homes and till their own fields (田), M
he only surrounded himself with men of superior character (親), M
irrespective of whether they had previously been known to him or not (新). M
He made use of people and things which had not previously been his (人) M
in as carefree a manner as though they had been his all along.[10]

Viewing it from this perspective, the will of the sage is large.

King Wen's comprehensive observations on gain and loss and on right and wrong, and the reasons why Yao and Shun prospered (昌) N
and Chieh and Chou perished (亡)[11] N
were all recorded in the Ming T'ang (堂).[12] N
On the basis of this, extending his sphere of knowledge and his vision,[13] the sage would be able to respond without having any invariable methods (方).[14]

Viewing it from this perspective, the intelligence of the sage is round.

4/3a-b; Han-shih wai-chuan 3/8a; Huai Nan Tzu 12/17a, 20/13a.

For the account of Shang Jung, see Han-shih wai-chuan 2/11a-b. Pi Kan was a loyal minister of Chou Hsin who incurred his wrath by honest admonition. Chou Hsin had his heart cut out to see if sages really have seven orifices in this organ. Chi Tzu was also a minister of Chou Hsin who escaped execution by feigning madness. On his release by the victorious King Wu, Chi Tzu refused to serve the usurper. King Wu abolished the coffers and granaries which Chou Hsin had set up to show the people that he had not conquered the empire for his own gain.

[10] Cf. similar passage in Mencius 55/7B/6: 孟子曰：舜之飯糗茹草也，若將終身焉，及其為天子也，被袗衣，鼓琴，二女果，若固有之。

Emperors Ch'eng and K'ang,[15] continuing the work of Wen and Wu and preserving the Ming T'ang institution, examined the historical traces of preservation and destruction and the vicissitudes of success and failure. Their words were always in keeping with the Way and their actions were always in keeping with rightness. They were not frivolous in either word or deed. Having once chosen what was good they would then pursue a course of action. Viewing it from this perspective, the conduct of the sage is square.

The capacity of Confucius[16] was such that his intelligence surpassed that of Ch'ang Hung,[17] his courage exceeded that of Meng Pen (賁) O,[18] his feet were faster than a nimble

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[11]For King Wen, see Section 3 note 23; for Yao, Section 6 note 3; for Chieh, Section 5 note 8; for Shun, Section 9 note 4; for Chou Hsin, Section 8 note 15.

[12]For the Ming T'ang see Section 2 note 7.

[13]The expression 略智 here is odd--perhaps this is a corruption of a common phrase like 博聞強記 (志 or 識) brought on by the 智 theme in this passage.

[14]Cf. Hsün Tzu 100/27/95 who describes the chün tzu as 博學而無方 。 See also Mencius 31/4B/20: 立賢無方 and Li-chi 12/52: 博學無方 . Again, Chuang Tzu 58/22/32:其應物無方 .

[15]Emperors Ch'eng (r. 1103-1068 B.C.) and K'ang (r. 1067-1042 B.C.): Ch'eng was the son of King Wu and came to the throne while still a boy. His uncle, the Duke of Chou, acted as regent until Ch'eng came of age. He spent his reign carrying out the projects planned by his father. See Shih-chi 4 (p. 132). K'ang was the son of Ch'eng, and like his father reigned with the assistance of an uncle, Duke Chao. He also carried on the work of his grandfather, King Wu. See Shih-chi 4 (p. 134).

[16]The text from this paragraph on might well be a later accretion. See our discussion of this problem in the Appendix III below.

[17]Ch'ang Hung 萇弘 (also known as 萇叔) is a rather cloudy figure in early Chinese literature. From the Kuo-yü 2778 and Tso chuan 470/哀3/附1, we learn that he was a minister of Chou who sought to restore the wall around Ch'eng Chou. As a result of a dispute between the Liu clan of Chou and

rabbit, his strength was such that he could hold up a portcullis (關)[19] O and his talents were indeed numerous.[20] 21a
But he is not known to the world for his courage or his skills. Solely through practicing the Way of filial piety he became the uncrowned king.[21] This indicates that his affairs were indeed few. With respect to the 242 years of the Ch'un Ch'iu period which had seen fifty states destroyed and thirty-six cases of regicide, selecting out the good and condemning the unseemly (醜) P, he established the Way of the True King (道) P. This indicates that his discussion was broad indeed. Even so, when he was surrounded in K'uang,[22] his countenance did not

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the Fan clan of Chin, Ch'ang Hung was put to death by the people of Chou in 492 B.C. In the Chuang Tzu 73/26/2 and 24/10/10, he is associated with worthy ministers like Kuan Hung-feng, Pi Kan and Wu Tzu-hsü, all suffering unjust punishment. Three years after his death, his blood is said to have turned to jade. In the Huai Nan Tzu 13/12a-b, he was in charge of the calendar for the House of Chou. Even though he was wholly conversant with the vapours of the heavens and earth, the movement of the sun and moon, the climatic changes and the calculations of the calendar, he was drawn and quartered by chariots. The accusation is that:

萇弘知天道而不知人事.

The Huai Nan Tzu 16/7a offers a similar observation:

萇弘知周之所存而不知身之所亡.

This association with the calendar ties in with the Han-shu 藝文志 reference to his 周史 under the 陰陽家.

[18]Meng Pen 孟賁 was a native of Ch'i reknown for his physical prowess. Commentators record his feats--tearing horns from the head of an ox and slaying two water dragons (Shih Tzu 下/2b). He is frequently associated with men like Wu Huo (Shih-chi 70 p. 2293) and Hsia Yü (Shih-chi 101 p. 2739) as paragons of strength.

[19]Cf. Huai Nan Tzu 12/3b: 孔子勁扣國門之關.

Lü-shih ch'un-ch'iu 15/4b: 孔子之勁舉國門之關而不肯以力聞.

Lieh Tzu 8/4a: 孔子之勁能拓國門之關而不肯以力聞.

It is interesting to note how this feat of holding up a

change and he did not stop his strumming and singing, and even when in a death trap[23] and was in peril of his life, still upholding his principles of rightness, he did not become despondent. This indicates that he knew that one should accept his lot. As Commissioner of Police in Lu, when hearing cases he always came to a judgment, and in compiling the Ch'un Ch'iu he did not speak of ghosts and spirits or presume to offer arbitrary judgments based on personal inclinations.

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portcullis was transferred from a man who came to be regarded as Confucius' father. From the Introduction to D.C. Lau's Lun-yü (at press): "In the Tso chuan under the tenth year of Duke Hsiang, it is recorded that one Shu He of Tsou held up the portcullis with his bare hands while his comrades made their get-away. The Shih-chi, however, gives his name as Shu Liang He and added the information that he was Confucius' father." Since the feat of holding up the porticullis is attributed to Confucius as early as the Lü-shih ch'un-ch'iu 15/4b, this would indicate that Shu He had been regarded as the father of Confucius during the late Warring States period.

[20]Cf. Lun-yü 16/9/6:

大宰問於子貢曰:夫子聖者與?何其多能也?子貢曰:固天縱之將聖,又多能也。子聞之,曰:大宰知我乎?吾少也賤,故多能鄙事。君子多乎哉?不多也。

[21]The expression 素王 , translated as "uncrowned king", appears as early as the Chuang Tzu 33/13/9 to describe a man with the Way but no rank. In Han times a theory arose that Confucius in the Ch'un Ch'iu formulated they Way of the "uncrowned king". See Kang Woo's Les trois theories politique du Tch'ouen ts'ieou p. 175 note 7 for a discussion of Tung Chung-shu's support for this theory. This epithet is used for Confucius in Shuo yüan 5/2a and Lun-heng 13/17a and 27/14b.

[22]See Lun-yü 16/9/5 and 21/11/21.

[23]For comparable expressions, see 死生之地, 死地則戰, and 有死地 which occur throughout the Sun Tzu text.

To begin with, the intelligence of the sage is considerable. Because in his sphere of activities he holds on to the essential, he is certain to prosper. The moron is limited in intelligence from the start. Because in his undertakings he has a multiplicity of affairs, when he acts he is certain to fail.[24]

Wu Ch'i and Chang Yi not having the intelligence of a Confucius or Mo Tzu still contended with rulers of large states. This is the reason that they were drawn and quartered.[25]

One who instructs and transforms with what is proper will not only find the going easy, but will certainly succeed. One who attempts to beguile society with trickery will not only encounter difficulty, but will certainly fail. Now if one is going to achieve something in his conduct and his course of action in this world, to reject a method which is both easy and certain of success[26] in favour of one which is both difficult and certain of failure is something only the foolish and perplexed would do. These six opposites (i.e. large, small, square, round, many and few),[27] then, must be carefully examined. 21b

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[24] Cf. Hsün Tzu 42/11/110: 故孔子曰：知者之知国以多矣，有以守少，能無察乎，愚者之知国以少矣，有以守多能無狂乎.

[25] Yang Shu-ta p. 66 points out that Chang Yi was never drawn and quartered, and suggests that this might be a mistake for Su Ch'in. Wang Shu-min in his Huai Nan Tzu chiao-cheng p. 53 gives more conclusive evidence that Chang Yi is in fact an error for Shang Yang. Chang Yi, having been slandered in Ch'in, left and became Chancellor of Wei. After holding this post for one year, he died (see Shih-chi 70 p. 2279ff., esp. 2304). There is no biographical data to suggest that he was drawn and quartered. In the textual references to Shang Yang, on the other hand, it states that he suffered 支解, the same expression used in this chapter (see Shih-chi 68 p. 2279 ff., esp. 2237). See Huai Nan Tzu 10/12a and 18/5a as well as

Section 18

To know everything that there is to know about the myriad things and yet not know the Way of man cannot be called intelligence; to love all of the various living things and yet not love mankind cannot be called benevolence. Benevolence is loving one's own species; intelligence is being beyond deception. The compassion of a benevolent ruler is manifest even at the moment he orders an amputation punishment;[1] evidence of the discernment of an intelligent ruler is manifest even when encountering[2]

Han-shih wai-chuan 1/10b for references to Shang Yang being drawn and quartered. As here, he is frequently coupled with Wu Ch'i.

Wu Ch'i (d. 381 B.C.) was a native of Wei who served the states of Lu, Wei and Ch'u successively. He is known for his skill in military affairs and for his severity in enforcing his administrative reforms. Ultimately, he suffered a violent death in being torn limb from limb by a conspiracy of people who had suffered under him.

[26]Following Wang Nien-sun LWT 9/31b in emending 捨其易成者 to read 捨其易而必成者 .

[27]Kao Yu interprets this expression 六反 as referring to 孔，墨，萇弘，孟賁，吳起 and 張儀.

[1]There are several examples in the early literary tradition which exemplify such an attitude, and this passage may be an allusion to one of these. For example, there is the well-known story of Chi Kao 季羔 (also known as 子羔), a disciple of Confucius who served as a magistrate in Wei. One day he ordered that a criminal have his feet cut off. Later, this same man assisted Chi Kao in making an escape. On questioning him, the man replied that his punishment was just and at the time of execution, the criminal saw that Chi Kao took on a pale and resigned expression when passing sentence. Confucius' comment on the affair cited in K'ung Tzu chia-yü 2/3a-4a:

孔子聞之曰：善哉.為吏其用法一也.思仁恕則樹德.加嚴暴則樹怨.公以行之.其子羔乎.

the most baffling of affairs.

Putting oneself in the place of others and returning to one's nature, not forcing what one does not desire[3] on to others, understanding the remote from the near at hand, and understanding others from oneself---this is putting into effect what benevolence[4] and intelligence are in agreement upon. Correcting small matters in order to preserve matters of import, punishing small offenses in order to bring peace on a large scale, and only seeking a man who has the right motives[5]--this is something which only an intelligent man can understand. Thus, benevolence and intelligence sometimes conflict and sometimes agree. Being in agreement is their regular condition, while being in conflict is an exigency. But in their rightness they are one and the same. Minor officials keep to the law, but the superior man regulates rightness. Someone who knows only about law but not about rightness is no better than a minor official, and is not equal to the task of governing.

Farming as an occupation is exhausting and weaving is irksome. But where the people do not reject their occupations in spite of the fact that they are irksome and exhausting, it is because they know they will have food to eat and clothes to wear.[6] The nature of man is such

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See also Shuo yüan 14/15a-16a. Again, there is a third version in Han Fei Tzu 218:10. Confucius' comment follows later in 220:1.

There is a second similar example in the Huai Nan Tzu 18/21a in which it describes the humane reluctance of Tzu Fa:

子發為上蔡令.民有罪當刑.徹斷論定.決於令尹前.子發喟然有惻愴之心.罪人已刑而不忘其恩.....

[2]We follow Yü Ta-ch'eng p. 301 in inserting the character 之 before 煩 .

[3]Reading this passage as 心之所欲.其亦加諸人 on the basis

that he cannot do without food and clothing, and the production of food and clothing necessarily begins in farming and weaving. This is a truth seen by everybody.[7] Things 22a
that are like farming and weaving always begin with bitter toil, but bring benefit in the end.

Although those things which can be prepared against are numerous, the simple people perceive only a few; although those affairs which can be weighed up are numerous, the simple people weigh up only a few. This is the reason that the simple encounter many setbacks.[8] The intelligent prepare for all things which can be prepared against and weigh up all affairs which can be weighed up. This is the reason that the intelligent encounter few setbacks. Thus, the intelligent person starts by doing something which appears unreasonable but proves to be right in the end,

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of the following three passages from the Lun-yü 8/5/12:

我不欲人之加諸我也.吾亦欲無加諸人.

Lun-yü 22/12/2:

己所不欲.勿施於人.

Lun-yü 32/15/24:

其恕乎.己所不欲.勿施於人.

[4]Emending 人 to 仁 on the basis of LWT 9/32a.

[5]The phrase 唯恻隱推而行之 is obviously corrupt. One might expect the common formula 唯恻隱者能推而行之, but this is only speculation.

[6]Cf. Han Fei Tzu 347:5:

夫耕之用力也勞.而民為之者.曰.可得以富也.戰之為事也危.而民為之者.曰可得以貴也.

Shen (Tao) Tzu 17a:

夫耕之用力也勞.而民為之者何.得以富.戰之為事也危.而民為之者得.得以貴.

[7]The LWT 9/32b text has 公 for 容.

[8]Following Yü Yüeh LWT 9/32b in reading this passage as:

物之可備者衆.愚人之所備者寡.事之擾者多.愚人之所擾者少.此愚者之所以多愚也.

whereas the simple person begins in pleasure but ends in grief.

Having won honour today that one should pursue rightness tomorrow is easy to understand. But having done rightness today that one will receive honour tomorrow is difficult to grasp.[9]

If you ask a blind man what is "white" like, he will reply that it is a light colour. If you ask him what is "black" like, he will reply that it is a dark colour. But if you take something white and something black and show them to him, he will not be able to distinguish between them. It is with the eye that man sees black and white; it is with his mouth that he speaks of them. A blind man has the basis for speaking of them, but has no basis for knowing them. Thus, in speaking of black and white, he is the same as others, but in distinguishing them, he is different.[10] People irrespective of their intelligence and character know that being filial to one's parents and loyal to one's ruler is rightness, but those who when choices of loyal and filial conduct are set out in front of them will make the right choice are rare indeed. As a rule, in human cogitation and reflection, everyone first considers whether or not something is permissible before going ahead and carrying it out. What they consider to be right and wrong is the difference between simple and intelligent.

Generally speaking, in human nature nothing is as precious as benevolence and nothing is as urgent as intelligence.

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[9] LWT 9/33a has the phrase 此難知也 .

[10] Cf. Mo Tzu 31/19/5: 此譬猶盲者之與人同命白黑之名. 而不能分其物也.則豈謂有別哉.

Benevolence is the basic substance (質) A while intelligence is the means of implementing it.[11] If, taking these two as the foundation, one augments them with courage, eloquence (慧) A, agility, diligence, keenness, insight (利) A, perspicacity, and judgment (察) A, all of these things add something to the foundation. But if an uncultivated person carefully develops his skills while having no benevolence or intelligence to act as his mainstay, even if he augments these with many meritorious qualities, he will only add to the detriment. For this reason, to be lacking in benevolence while being courageous and bold[12] is a madman holding a sharp sword. To be lacking in intelligence while being eloquent and glib is a fine horse in the hands of a blind man.[13] Even if one has talent and ability, if it is used in the wrong places and for the wrong things, all it is good for is abetting deceit and camouflaging wrongdoings. For such a person it is better to have few skills than to have many. 22b

Thus, those with ambitions cannot be permitted conducive circumstances (勢) B;
those of inferior character cannot be given sharp weapons (器). B

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[11] This would appear to be based on Lun-yü 31/15/18:
君子義以為質.禮以行之.
Cf. also Lun-yü 6/4/2:
仁者安仁.知者利仁.

[12] Cf. Lun-yü 36/17/7: 好勇不好學.其蔽也亂.
Lun-yü 15/8/10: 好勇疾貧.亂也.人而不仁.疾之已甚.亂也也.

[13] Following Wang Nien-sun LWT 9/33b in reading the phrase 懷給則棄讀而不式as 懷給則爽讀而或 (惑).

A fish swimming about in the water is happy, but if the dam is broken and the water drained, the fish becomes food for insects. If one conducts repairs on the dyke and replaces the water which has leaked out, the fish will derive benefit from it. There is something by which a state will be preserved; there is something by which a man stays alive. That on the basis of which a state exists is benevolence and rightness; that on the basis of which man lives is doing good. If a state is without rightness, even though it is large it will certainly perish. If a man is without a resolve to do good, even though he is courageous he will certainly suffer injury.[14]

Unless commissioned by the ruler, one can play no part in the government of the state.

> But as for being filial to mother and father (母), C 23a
> fraternal to brothers and sisters and winning the
> trust of friends (友), C

it is possible for a person to do these without any directives from above. It is perverse to demand of someone something over which he has no control instead of that which it is possible for him to do.

When a person living in obscurity wants to gain the ear of the ruler, he must first turn in upon himself. There is a way to gain the ear of the ruler. If one does not acquire name and reputation, he will not be heard by the ruler. There is a way to acquire reputation. If one does not win the trust of his friends, he will not acquire reputation. There is a way to gain the trust[15] of friends. If in serving his parents one fails to

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[14] Cf. Lun-yü 14/8/2: 勇而無禮則亂，亂則傷也.

[15] Following LWT 9/34a in adding the character 信 to read 信於友有道.

make them happy, he will not gain the trust of his friends. There is a way to make one's parents happy. If in cultivating his person a man is not sincere, he will not be able to serve his parents. There is a way for a man to be sincere in his person. If the mind is not of one resolve, he will not be able to achieve unwavering sincerity.[16] Because we insist on seeking the way in the difficult when it lies in the easy and seek the evidence in the remote when it lies in the close at hand, we fail to realize them.

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[16] Cf. Mencius 28/4a/13: 信於友有道.事親弗悅.弗信於友矣.悅親有道.反身不誠.不悅於親矣.誠身有道.不明乎善.不誠其身矣.

Li-chi 31/18: 信乎朋友有道.不順乎親.不信乎朋友矣.順乎親有道.反諸身不誠.不順乎親矣.誠身有道.不明乎善.不誠乎身矣.

APPENDIX II: THE CONCEPT OF CRIMINAL LAW AND THE CHARACTER FA 法 IN EARLY TEXTS PRIOR TO THE EMERGENCE OF THE FA-CHIA

A. LEGENDARY ORIGINS OF FA

From a detailed examination of the pre-Ch'in texts, it is possible for us to identify a semantic evolution in the usage of the character fa 法. Before outlining the results of this analysis, however, it is perhaps interesting to take a brief look at the traditional associations that this term fa held for China's early thinkers. Basically there are two traditions or legends which purport to explain the emergence of fa in ancient China--what we will call the "unicorn tradition" and the "Miao tradition".

The unicorn tradition begins with Hsü Shen's assertion that the present character fa is an abbreviated form of the ancient characters, 灋 and 瀍. The character 瀍 is attested on four early bronzes,[1] and is composed of three elements: 1) water, 2) a mythological animal, and 3) a graph which individually means "to put away", "to eliminate". Hsü Shen explains the composition of this character by reference to an ancient tradition which identifies this mythological animal as a beast which had the power to discern the guilty party in a judicial confrontation. Having sensed the transgressor, this animal would then butt him with its single horn, exposing him for all to see. While Hsü Shen suggests that the flatness and evenness of water represents the constancy and even-handed nature of justice, Granet and Vandermeersch[2]

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[1] See Sun I-jang, Ming-yüan "Shang hsiang hsing yüan shih" No. 3.

[2] See M. Granet, Danses et Legendes de la Chine Ancienne I pp. 141-3 and L. Vandermeersch, La Formation du Legalism p. 186.

would associate it with the libation or purifying "asperger" of water so often a part of such ceremonies. Perhaps the earliest support for Hsü Shen's etymology can be found in the Mo Tzu 50/31/36 in which the Lord (Duke)[3] Chuang of Ch'i (794-731 B.C.) is aided in adjudicating a dispute between two ministers by a sheep[4] which bounds off of the altar and attacks the offending man. There is a similar anecdote in the Lun-heng 17/10a which describes the supernatural powers of this animal in the service of Kao Yao 皋陶, the sage-judge of Shun traditionally accredited with establishing penal laws and punishments.[5] While the attribution to Kao Yao is probably of little consequence,[6] this story would appear to be a repetition of the same legend. The association between this mythological animal and penal law goes one step further in that it was used as an insignia for the judiciary of imperial China from Han times on. The character 鷹 was embroidered onto the caps and robes of its official staff.[7]

The second legend--the "Miao tradition"--may be more history than mythology. This explanation for the origins of fa is based on the following passage in the "Lü Hsing" section of the Shu-ching 470049:

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[3] The Tseng-pu shih-lei-fu t'ung pien 90/52a has "duke (kung 公)" rather than "lord (chün 君)".

[4] Yang Hung-lieh pp. 28-9 cites texts where this 鷹 animal is variously described as resembling an ox, a sheep, a deer, and even a bear.

[5] See Karlgren, BMFEA 18 pp. 256-7, 261-2, 302 and 307.

[6] Karlgren, BMFEA 18 p. 261 states: "This is merely an application to Kao Yao, the famous judge, of a well-known anecdote from the time of prince Chuang of Ts'i, narrated by Mo: Ming kuei, hia."

[7] See the "Yü-fu chih" of the Hou Han-shu, Chiu T'ang-shu and Sung-shih. For a discussion of these passages, see Yang Hung-lieh pp. 29-30.

苗民弗用靈制以刑惟作五虐之刑曰法殺戮無辜爰始淫為劓刵椓黥

> The Miao people did not make use of good works, but rather controlled through punishments. Setting up the "five tortures" punishments, they called them fa. They executed innocent people, and began to apply the punishments of nose-chopping, ear-chopping, castration and branding in great excess.

This passage then continues with Shang Ti's total annihilation of the Miao people after becoming enraged by their animal brutality.[8] Scholars often cite this Shu-ching passage to demonstrate a traditional Chinese distaste for penal law,[9] attributing the actual beginnings of criminal law to a barbarian and non-Chinese tribe notorious for their unrelenting savagery. From this interpretation arises the following speculation:[10]

> Law may have begun in ancient China as a means of governing non-Chinese peoples living in newly conquered territory, since such people, being outside the pale of Chinese culture, could naturally not be expected to conform to the traditional Chinese li.

Liang Ch'i-ch'ao voices a similar opinion:[11]

> It would seem that penal law was in fact something created by the Miao people themselves, and that our predecessors took them over. These predecessors in using these punishments initially applied them solely to non-Chinese--what is called "countering brutality with severity (報虐以威 --呂刑)."

There is this tendency to use the "Miao tradition" to interpret fa as a concept of foreign origins. This same "Lü Hsing" passage, however, is cited and discussed

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[8] For further discussion about the extermination of the Miao people, see ed. S.N. Kramer, Mythologies of the Ancient World (D. Bodde), pp. 389-90.

[9] See D. Bodde, Law in Ancient China p. 13: "What is really arresting, however, especially when we remember the honored status of law in other civilizations, is the overt hostility with which its appearance is initially greeted in China

in what is usually regarded as one of the earliest chapters of the Mo Tzu (17/12/42):

> 子墨子曰.方今之時.之以正長.則本與古者異矣.譬之若有苗之以五刑然.昔者聖王制為五刑以治天下.逮至有苗之制五刑以乱天下.則此豈刑不善哉.用刑則不善也.是以先王之書呂刑之道.曰.苗民否用練折則刑.唯作五殺之刑.曰法.則此言善用刑者以治民.不善用刑者以為五殺.則此豈刑不善哉.用刑則不善.

> Master Mo Tzu said: The political officials of the present day are basically different from those of ancient times. A case in point is the Miao people using the Five Punishments. In ancient times, the sage-kings established the Five Punishments and put the empire in proper order. But when the Miao came to apply these Five Punishments, they caused turmoil in the empire. How could it be that the punishments were no good? It was the application of the punishments which was no good. Thus, among the writings of the former kings is the Way of the Lü Punishments which says:
>
> > The Miao people did not make use of training, but met variance with punishments. Devising the "Five Executions" punishments, they called these fa.
>
> This means that those who are good at applying punishments can use them to govern the people properly, while those who are not make them into the "Five Executions". How could it be that the punishments are no good? It is the application of them which is no good.

From a comparison between the current "Lü Hsing" text and this Mo Tzu reference to an alternative version, we can make the following inferences:

1) textual differences between the Shu-ching version of the "Lü Hsing" and that cited here in the Mo Tzu indicate an oral transmission--textual variants are primarily characters with similar pronunciations: e.g. 練/靈 ; 弗/否 ;

--seemingly not only as a violation of human morality, but perhaps even of the total cosmic order."

[10] D. Bodde, Unifier p. 193.

折/制；殺/杀。

2) the author of this Mo Tzu passage believed that penal laws were of Chinese origin, and were only misused by the Miao barbarians.

3) the objection of the Mo Tzu is not to penal law per se, but to the abuse of penal law by reliance upon it to the exclusion of moral education and training.

It would seem to this writer that scholars such as Bodde and Liang Ch'i-ch'ao cited above are projecting a very real hostility of Confucian scholars to the Fa-chia political philosophy into a much earlier period. On the basis of an examination of early material, it would not appear that Confucius or his later followers were at all opposed to penal law. On the contrary, they regarded penal law as a very necessary element in proper government. Again, Bodde's contention that the Lü Hsing story attributes the "invention" of fa neither to a Chinese sage nor a Chinese at all, but to the barbarian Miao people, is perhaps a rather conclusive interpretation of a difficult text. The Shu-ching passage does not say that they "invented" written law, but rather that they devised the 五虐之刑 and called these fa. The thrust of the passage is not that these non-Chinese people invented law, but rather that they misused it. This is borne out by the Mo Tzu passage cited above.

Having outlined the "unicorn tradition" and the "Miao tradition" as two legendary explanations for the origins of fa, we must now turn to an examination of the pre-Fa-chia texts in order to determine the actual usage of this character, and to see whether or not there is any textual support for these legendary origins.

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[11] Liang Ch'i-ch'ao, Hsien-Ch'in cheng-chih ssu-hsiang shih p. 47.

B. FA IN THE EARLY TEXTS

In order to determine the usage of the character fa in early Chinese literature prior to the emergence of the Fa-chia political philosophy, we propose to examine the following eight texts:[12] 1) Shih-ching, 2) Shu-ching, 3) I-ching, 4) Lun-yü, 5) Ch'un-ch'iu, 6) Mo Tzu, 7) Sun Tzu and 8) Meng Tzu. We are using the dates of Shen Pu-hai (c. 400-337 B.C.) and Shang Yang (c. 390-330 B.C.) as a very rough guide as to the actual spread of Fa-chia doctrine, keeping in mind that since little if any of the material collected under the title of any of the early philosophers actually originated from their own hands, the dates of the man even where correct do not give us the date of the work.

1. Shih-ching

The characters 法 and 罰 do not occur at all, and 刑 occurs only six times. Four occurrences of 刑 are as a loan for 型 "to model". In Ode 255 there is the expression 典刑 which Karlgren (p. 216) renders "statutes and laws". In Ode 256 it has 明刑 which Karlgren (p. 218) reads as "bright laws".

The character 則 occurs frequently as a conditional, but also occurs as "model, to model, pattern" nine times in Odes 158, 161, 192, 243, 252, 256, 258, 260 and 299. (Examples: Ode 161: 君子是則是效 ; Ode 252 四方為則 ; Odes 256 and 299 維民之則). This character also occurs three

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[12] We have not included the Tso chuan, Kuo-yü or Kuan Tzu because of the inordinate difficulty involved in ascertaining their dates. The Sun Tzu (Griffiths p. 11 dates as after 370 B.C.) and Meng Tzu (Lau p. 10 dates as after 319 B.C.) on the other hand have been included because they are reasonably close to the rise of Fa-chia theory but do not themselves reflect a knowledge of Fa-chia concepts.

times with the meaning of "standards, norms" (or even "rules") in Odes 177, 241 and 260. (Examples: Ode 177: 閑之維則 ; Ode 241 順帝之則 ; Ode 260 有物有則).

In summary, the concept of "criminal law" is represented by 刑 . The character 則 has a range of meaning which covers both the "model, pattern" and "norm, standard" aspects of the character fa 法 as found in later texts. In Ode 241 there is even a suggestion of "rules" or "laws" in the phrase 順帝之則 (Karlgren pp. 195-6 "you obey the laws of God"). The character fa 法 does not occur at all.

2. Shu-ching

The character 法 occurs seven times in the ku-wen text (only five times in the chin wen version). Passages 030126 and 410205 as ku wen text are at best suspect. In 160129 there is the phrase 以常舊服正法度 which might mean "on the basis of constant and old affairs he rectificed standards and measures" (rather than Karlgren p. 20:5: "...he determined the laws and regulations"). In 270464, fa 法 means (house) plan. Because fa 法 cannot be sensibly rendered "laws" in 270561, Karlgren p. 39:13 emends 易法 to 易定 (with only graphic similarity to support such an emendation). Probably "standards" would be a better rendering of fa 法 in this passage. The two instances of fa 法 in 470064 and 470713 are at best difficult to explain as anything other than "laws". Karlgren p. 74:3 and 77:18 renders them both as "the law". Since the 470064 passage occurs in a slightly modified form in an early portion of the Mo Tzu 17/12/42 (see above), and other passages from the "Lü Hsing" are cited in the same part of the Mo Tzu, we cannot follow Creel in his claim that "...its (the Lü Hsing's) whole pattern of thought is that of the Warring States period."[13] Even though "law" would seem to be an appropriate rendering of fa 法 in these two passages, if

we can demonstrate that "criminal law" was in fact a later extension of meaning for this character, both of the "Lü Hsing" instances of fa 法 could very satisfactorily be rendered "standards".

In contrast to only seven occurrences of fa 法 in the Shu-ching, the character 刑 appears no fewer than 71 times. Basically, it means "punishments", as in the expression 大刑 (490138). At times it would seem to have a wider application, as in 典刑 (210672, 020271) where it might be read as "statutes and criminal code". Again, in the phrase 先王之正刑 (350457) there would seem to be little choice but to follow Karlgren (p. 59) in reading it as "correct laws". For the phrase 伯夷降典折民惟刑 Karlgren pp. 74-6 has "Po Yi sent down the regulations for restraining the people there were the (punishments=) penal laws."

The "Lü Hsing" section contains 30 occurrences of 刑 as opposed to 2 occurrences of fa 法 . In this section, 刑 generally refers to punishments, but in the expression 五刑 it would seem to indicate both the punishments themselves and the basis on which they are meted out, i.e. the penal laws. Where the system of 五刑 is attributed to the ancient sages, it would be regulations regarding the enforcement of these punishments rather than the physical punishments themselves which were considered important to preserve.

Bodde[14] suggests that the basic meaning of 刑 is "punishments", or more specifically, "corporal punishments", and that early on this meaning was extended to

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[13] H.G. Creel, Origins of Statecraft p. 463. Creel looks to Niwa Masayoshi (trans. and ed. by Chiang Hsi-an as Hsien-Ch'in ching-chi k'ao 先秦經籍考) I. p. 95 for support. Niwa places the "Lü Hsing" as later than the emergence of the Fa-chia and Ming-chia. This would make it later than the Mo Tzu which in fact cites the "Lü Hsing" on several occasions. Creel also refers to Ch'i Ssu-ho's article p. 32 who relegates "Lü Hsing" to the early Chan-kuo period because the concepts of ransom and redemption are too sophisticated for the Western Chou.

refer to the "penal codes" or "penal laws" governing the application of punishments. This opinion would seem to be borne out by our analysis.

In this same text, the character 罰 occurs 54 times. In the text generally it seems to be used as "punishments". It is frequently (11 times) used in expressions like 天罰 and 天之罰 to indicate "punishments dictated by Heaven". In the "Lü Hsing" section, 罰 and 刑 are both used extensively (罰 : 20 times; 刑 : 30 times), and an interesting distinction is made. While 刑 refers to the more severe physical punishments, 罰 is used to mean "fine" or "redemptive fine". It states quite specifically that 罰懲非死--(Karlgren p. 77) "through the correcting by fines, there is no death." Since 罰 tends to refer to lesser punishments and fines, perhaps "penalties" is the best English rendering. This conclusion is supported by the Shuo-wen chieh-tzu ku-lin (1854) in which 罰 is defined as 辠之小者 . The Tuan Yü-ts'ai commentary states:

辠犯法也.罰為犯法之小者.刑為罰辠之重者.
五罰轉於五刑.

The difference between 罰 and 刑 as "punishments" would seem to rest in the degree of severity. Again, 罰 does not seem to have the broader application of "penal law" which 刑 does carry.

To recapitulate, in the Shu-ching, the concept of "punishments" seems to be most frequently represented by the characters 刑 and 罰 , and "penal law" by 刑 . The character fa 法 on the other hand occurs relatively infrequently, and most likely does not carry the meaning of "penal law" at all.

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[14] D. Bodde, Law in Ancient China p. 11.

3. I-Ching

In the text of the I-Ching, the characters fa 法 and 罰 do not occur. Although they do appear in the appendices, these appendices are generally accepted to be of a much later date--perhaps of Han vintage.

The notion of "punishments" represented by 刑 occurs once in 5/4/初:

發蒙利用刑人.用說桎梏.以往吝.

In this passage, it would appear that a limited use of punishments is advantageous in dispelling ignorance, but it is a method which can only be used in the short term. Persistent use of punishments would be a source of regret. There are other references to "punishments" in the text which are descriptive of the punishments themselves. Hexagram 21, for example, far from condemning punishments, is quite clear in suggesting that the proper application of punitive institutions and punishments is both advantageous and auspicious.

4. Lun-yü

The character fa 法 occurs twice in this text. In 17/9/24 it appears in the title of a no longer extant text, the Fa-yü 法語 (cf. Chuang Tzu 10/4/46, 51 which has Fa-yen 法言). It is difficult to ascertain the meaning of fa 法 in this title.

In 41/20/1, fa 法 occurs in the passage:

謹權量.審法度.

He was scrupulous about weights and measures and examined standards and amounts with care.

Note the parallel position of 權量 and 法度 .

The character 刑 occurs five times in this text. Three times (7/5/2 as 刑戮 and twice in 25/13/3 as 刑罰) it very specifically means "punishments". In 2/2/3 with the phrase: 道之以政.齊之以刑 and 6/4/11 with: 君子懷刑 it very likely means "penal law".

To summarize, fa 法 is not used to mean "criminal law" in the Lun-yü. This notion is represented by 刑 .

5. Ch'un-ch'iu

Given the nature of the Ch'un-ch'iu as a bare chronicle of the court of Lu, it is not surprising that it does not contain any reference to "penal law" as such. The characters fa 法 , 刑 and 罰 do not occur. In expressing the notion of punishments, the Ch'un-ch'iu usually follows the formulae:

a) the state X (or the people of state X) seized (執) person Y.[15]

b) the state X (or the people of state X) banished (放) person Y.[16]

c) the state X (or the people of state X) executed (殺) person Y.[17]

d) the state X (or the people of state X) seized (執) person Y and used him as a sacrificial victim (用之).[18]

The notable exception to these formulae is when the state of Lu itself is involved, in which case the character 刺 is used rather than 殺 for "execute".[19] Again, it is not always the state X which carries out executions--at times it is individuals,[20] and even robbers.[21] When the people turn and execute their ruler, the character 弒 is used.[22]

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[15] E.g. Hsi 5, Huan 11, Hsiang 19, Chuang 17.

[16] E.g. Chao 8, Hsüan 1.

[17] E.g. Yin 4, Huan 6, Chuang 8, 9, 22.

[18] E.g. Hsi 19, Chao 11.

[19] E.g. Hsi 28, Ch'eng 16.

[20] E.g. Hsi 5, Hsüan 15, Hsiang 26.

[21] E.g. Hsiang 10, Ai 13.

[22] E.g. Wen 18.

6. Mo Tzu

In this text, the character fa 法 occurs 136 times. Of these 136 instances, it can be interpreted as "penal law" in just a few cases. Creel's claim[23] that "in this work fa is used in the sense of 'method' or 'technique' three times as frequently as in that of 'law'" would mean that it connotes law in some 45 cases. This is a gross exaggeration. In fact, those passages in which it might mean "law"--many of these being very debatable--are limited to the following:

a) 4/5/3 has the expression 修法. Does one "cultivate" the law, or is this not better understood as "cultivate standards"?

b) 34/20/11, 12, 13; 38/25/57. These instances of fa are all very conceivably "method" rather than "law". Note, for example, the context of 34/20/11:

> 人為難倍.然人有可倍也.昔者聖王為法曰.....
> Population is the one thing difficult to double, but it can be done. In ancient times, the sage-kings devised a method which says that...

c) 35/21/3, 5, 8, 14 all have the same formula as the passage 39/25/83 at the end of Chapter 25:

> 子墨子制為葬埋之法.

The only difference is that they have 古者聖王 in place of 子墨子. While the ancient sage-kings might have been in a position to "establish laws", Mo Tzu certainly had no such political power. It would seem that these instances of fa would best be rendered: "...devised a method."

d) 9/9/8, 10; 12/10/1; 17/12/45. These passages all occur in the same chapters of the Mo Tzu as modified quotations from the "Lü Hsing" section of the Shu-ching.[24]

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[23] H.G. Creel, Shen Pu-hai p. 145.

[24] The Mo Tzu cites or refers to the Shu-ching on 31 occasions. Only 4 quotations are to be found in the presently extant version of the Shu-ching, and 3 of these 4 are found in Chap. 9, 10 and 12. See Ch'en Meng-chia pp. 22-6.

Of the occurrences of the character fa in the Mo Tzu, these four are the most likely to mean "law". In all of these four instances, fa is closely associated with 刑. In three of these passages it occurs in the expression 刑法 while in the fourth case it appears in the quoted passage: 唯作五殺之刑曰法. The beginning of Chapter 10 is almost identical with that of Chapter 8. Chapter 8 has 刑政之治 where Chapter 10 has 刑法之治也. The frequency of the compound 刑政 would suggest that 刑法 might even be a copiest's error for 刑政.

e) 108/70/28, 113/70/131 and 106/69/6. These passages all occur in portions of the Mo Tzu generally held to be Han accretions. See Wei-shu t'ung-k'ao p. 752.

In the entire text of the Mo Tzu (apart from the obviously questionable chapters dealing with fortifications, etc.), it would seem that there are only four instances where fa may mean "penal law". In every one of these four instances, it appears together with the character 刑, the expression most commonly used in the Mo Tzu to designate "penal law". These few instances are balanced against over a hundred passages in which fa must be rendered "method", "model" or "standard". The notion of "penal law" is frequently represented by the character 刑 which occurs 71 times. Of these 71 occurrences, 25 are in combination with 政 as 刑政, meaning "penal laws and political measures". The character 刑 does occur meaning simply "punishments", and 罰 also occurs over a hundred times with this meaning. As we saw in the Shu-ching, 罰 is frequently associated with 天 as 天之罰. Most frequently, it is meted out in response to 暴 (some 28 times) as 罰暴 or 罰暴人.

7. Sun Tzu

There are 21 occurrences of fa in this text. Of these, 16 are straightforward "method" or "technique"

as in the phrase 用兵之法 . The remaining 5 passages are (Giles' numbers): I/4, 10, 13; IV/16 and XI/56.

In the text there are two passages which give us a rather specific indication of what is actually meant by fa (I/10 and IV/17):

> 法者.曲制.官道.主用也.
> "Systems" means drums, banners and other signaling devices, offices and supply roads, supplies and weaponry.
>
> 兵法.一曰度.二曰量.三曰數.四曰稱.五曰勝.
> Of the techniques of warfare, the first is called "measurements" (i.e. terrain), the second is "quantities" (i.e. men and supplies), the third is "calculations" (i.e. deployment), the fourth is "comparisons" (i.e. relative strengths and weaknesses) and the fifth is "outcome" (i.e. who will take the day).

From these two passages, it would appear that fa means either "technique" or "system" (in the sense of "supply system"). Perhaps the most easily misunderstood passage is I/13 in which fa and 令 occur together:

> 曰主孰有道.將孰有能.天地孰得.法令孰行.....
> Which of the rulers accords with the Way, which of the generals has more ability, which army has the natural advantages, in which army are systems and commands most effective...

Given the overall continuity of this first chapter and the rather explicit explanation of what is meant by fa in I/10 which just precedes this passage, it would seem most likely that fa retains the meaning of "systems" here. In the I/4, IV/16 and XI/56 passages, "systems" would be a satisfactory rendering of fa. The character 罰 occurs four times, meaning always "punishments" and used in the expression 賞罰 twice. The text really makes no reference to "penal law" as such.

8. Meng Tzu

The character fa occurs ten times in this text. Although this text is relatively late, fa still means:

a) "example" or "model", "to model" in 10/2A/1,

19/3A/3, 26/4A/1 (twice), 26/4A/2 and 50/6B/15 (法士 and 榜士 are parallel, and fa would seem to have a verbal aspect here, meaning perhaps "model or exemplary families").

b) "standard" or "norm" in 26/4A/1 (twice), 58/7B/33. In the 26/4A/1 passage:

故曰.徒善不足以為政.徒法不能自行.

the character 善 is analogous to (or illustrative of) Li Lou and Kung-shu Tzu in the text preceding this, while fa being analogous to 規矩 means "standards".[25] Again, in the phrase:

上無道揆也.下無法守也.朝不信道.工不信度.

fa is parallel to the character 度.

The one passage in the Meng Tzu which contains fa and which is difficult to interpret is 12/2A/5:

市廛而不征.法而不廛.則天下之商皆悅.....

Here fa probably refers to some regulations regarding the collection of market taxes. It would not seem to have any connection with "penal law".

In the Meng Tzu, 刑 can mean "punishments" or "to punish" (2/1A/5, 4/1A/7, 19/3A/3, 28/4A/15), as does 罰 (2/1A/5, 23/3B/5), but 刑 is also used to refer to "penal law" as in the expressions 政刑 (12/2A/4) and 刑典 (37/5A/6). It also probably means "penal law" in 26/4a/1:

君子犯義.小人犯刑.

Even as late as the Meng Tzu, it would appear that fa was still used as "model" or "example" and 刑 was used to refer to "penal law". It is significant that in the Meng Tzu, there still appears to be no hint of an awareness of the emerging Fa-chia tradition of thinkers.

C. HYPOTHESIS

From our analysis of pre-Fa-chia texts, the following hypothesis takes shape. Because of the difficulty in placing our texts chronologically and determining their

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[25] Hsiao Kung-ch'üan I p. 72 interprets this fa as being the systems of the former kings such as 井田, 世祿 and 庠序.

authenticity, it can only be a hypothesis.

1) The vast majority of occurrences of the character fa in early texts would indicate that prior to the rise of the Fa-chia tradition, the character fa was used to convey the meaning of "model", "to model" or "standard". Only well into the Warring States period when the Fa-chia theorists had taken over this character and injected it with their own meaning did it come to connote "penal law".[26]

2) Prior to the evolution of the character fa to cover the notion of "penal law", this idea was commonly expressed by the character which meant basically "punishments" or "to punish", and by extension "penal law".

A survey of the above texts would indicate that even in the earliest Western Chou literature, the concept of "penal law" was very much present, and as Creel observes:[27]

> One character that is used for "law" seems to indicate strongly that it was written. We have already noticed the character tien (典), originally a pictograph of a book lying on a table....Beyond any doubt there were laws, and written laws.

Creel makes a strong case for the position that written laws were very much a part of ancient Chinese feudal society.[28]

In discussions of the development of criminal law in early China, it would seem that many scholars have perhaps relied too heavily on the Tso chuan account of Shu-hsiang's criticism of Tzu Ch'an's "Hsing Shu" with the result that 1) it is commonly believed that laws were

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[26]Since the early Fa-chia philosophers did choose the character fa to represent one of their core concepts, it is most probable that some semantic link already existed between the current usage of fa and the new dimensions which they themselves brought to this character. There is, of course, a very obvious connection from "model" to "standard" to "law".

[27]H. G. Creel, Origins of Statecraft pp. 164-66.

[28]Ibid. pp. 161 ff.

originally kept secret,[29] and 2) Shu-hsiang's opinions are held to be representative of a "Confucian" attitude.[30] That laws were not public or at least widely known is improbable,[31] and that Confucius professed some objection to criminal law generally and written law specifically is demonstrably not the case.[32]

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[29] H. Maspero, "Le regime feodal et la propriete fonciere dans la Chine antique" in Melanges Posthumes III p. 139; T.T. Ch'ü, Law and Society p. 170.

[30] D. Bodde, Law in China p. 17.

[31] See Creel, Origins of Statecraft pp. 161-3.

[32] See above Chapter IV: Fa.

APPENDIX III: THE FINAL PORTION OF THE "CHU SHU" CHAPTER AS A LATER ACCRETION

It is the opinion of this paper that the final portion of the "Chu Shu" chapter became corrupt at a very early stage in its transmission--possibly prior to the compilation of the Wen Tzu during the 3rd or 4th C. A.D. An attempt was made to reconstitute this final section, and possibly at the same time, a series of textual fragments were appended. These final fragments are not consistent with the political philosophy of the chapter as a whole, and as such have been excluded from our discussion. The photo-facsimile of the text below will be referred to in our attempt to demonstrate the suspect nature of this final portion. The suspect portion of the chapter begins on the last line of 9/20b from 孔子之通智..... There are some general considerations regarding this final part of the chapter with which we might begin our examination.

Firstly, the suspect portion occurs at the end of the chapter. It is logical to assume that textual corruption of a physical nature is more likely to occur at the end of the chapter than anywhere else. Again, where material is added at some later stage, it is most frequently to be found tacked on at the end of a chapter.

A second point is that the "Chu Shu" chapter with almost 10,000 characters is, together with the "Jen Chien" chapter at about 10,350 characters, one of the longest chapters in the text. While there is no real uniformity in the length of the chapters, ranging from 3000 characters ("Lan Ming") on up with the average at about 5000 to 6000 characters (Chaps. 1, 2, 5, 10, 14, 16, 17 and 19), it is significant that the "Chu Shu" chapter is considerably longer than most other chapters. The final portion under examination is almost 1100

characters in length.

Thirdly, this final portion (Section 18 in our translation) although reasonably short is fragmentary in nature. As we have indicated on the photo-facsimile of the text, this section is comprised of five independent passages. Passages I and III both discuss the notions of jen 仁 and chih 智 and allude to the Lun-yü, and probably belong together. These five passages are loosely bound together first by a common deference for basic Confucian principles, and secondly by a "word-chain" characteristic of Huai Nan Tzu editing:

I	II	III	IV	V
仁智	愚智	仁智	仁義	易難
無義	易難	愚	無義	國
		勇	勇	
			國	

Passing from the general to the more specific, the first indication that this final portion of the chapter is a later accretion is the way in which Section 17, an otherwise highly structured and symmetrical portion of the text, breaks down. The opening statement ("Statement") of this section enumerates six desirable human characteristics described with three sets of opposites called 六興. On our plates these six characteristics and their recurrence in the elaborations are indicated with the letters (a) - (d). The initial statement is followed by an elaboration ("Elaboration I") on these six characteristics each in proper order and introduced in the same uniform way: 心欲小者,志欲大者 etc. This is then followed by "Elaboration II". Again, the six characteristics are listed in their original order and in a uniform way. "Elaboration III" begins by discussing each of the characteristics at some length and by illustrating them with historical allusions. Each of the first four of

these characteristics ends with the common phraseology:

(a)由此觀之則聖人之心小矣.

(b)由此觀之則聖人之志大矣.

(c)由此觀之則聖人之智員矣.

(d)由此觀之則聖人之行方矣.

Further, each of the first four characteristics contains a reference to the following historical figures to exemplify the particular characteristics:

(a) Yao, Shun, T'ang and Wu (Shih: Wen)

(b) Wu

(c) Wen

(d) Ch'eng and K'ang

It is at this point in Elaboration III after dealing with only four of the six characteristics that the structure and symmetry of Section 17 breaks down. Characteristics (e) and (f) do occur (together with a fortuitous (g) and (h)), but they do not follow the pattern set by the preceding four characteristics. Dispensing with the 由此觀之則聖人之……矣 pattern, they simply have:

(e) 能亦多矣.

(f) 事亦鮮矣.

(g) 論亦博矣.

(h) 分亦明矣.

Further, whereas the preceding four characteristics cite individual historical examples to illustrate their virtue, all four of (e), (f), (g) and (h) are illustrated by reference to Confucius alone.

At the end of the reconstituted Elaboration III (9/21b), there is a piece of commentary which identifies the 六良 as 孔，墨，萇弘，孟賁，吳起 and 張儀. To this commentator (Kao Yu??), the reconstituted ending from 孔子之通智…… to 此六良猶不可不察也 was one piece of text. That the commentator did not identify the 六良 as the more obvious 大/小，員/方，and 多/鮮 might indicate that this ending existed

as a chunk somewhere else in the Huai Nan Tzu text at the time that this commentary was written.

The first specific indication of corruption is the breakdown in the structure of Section 17 described above. A second indication is the Wen Tzu SPPY 下 /3b-4a abridgment of Section 17. On the photo-facsimile at the end of this appendix, we have high lighted that portion of the Huai Nan Tzu which is reproduced in the Wen Tzu. It includes the Statement, Elaborations I and II almost in their entirety, and a very brief passage made up from the (h) portion of Elaboration III. Most of Elaboration III and the entire contents of Section 18 are omitted by the Wen Tzu. This might indicate that by the time of the Wen Tzu compilation--probably not much later than 3rd. C. A.D.--the final portion of Section 17 was already in a state of corruption, and Section 18 had not yet been appended.

Of the Huai Nan Tzu's 21 chapters, 17 are abridged in the Wen Tzu. Of this 17, 10 are covered with a varying degree of abbreviation from beginning to end (Chaps. 1, 2, 6, 7, 10, 11, 12, 14, 17 and 20). The remaining 7 chapters ("Chu Shu" numbered among these) have final sections omitted by the Wen Tzu. In several of these chapters--8 and 13 for example--the final portions of the text do not seem to be continuous with the preceding bulk in either structure or content. In other words, like the "Chu Shu" chapter, it is possible that several of these other chapters had stray text appended to them at some later stage in their transmission.

The TPYL, like the Wen Tzu, cites the Huai Nan Tzu rather extensively. It is perhaps of some significance that of the citations taken from this "Chu Shu" chapter, the TPYL includes nothing beyond the following passage (TPYL 386, p. 1785):

淮南子曰. 孔子勇復孟諸足蹀狡兔不以力聞.

A third rather specific indication that the final part of the "Chu Shu" chapter is a later addition comes with its contents. To begin with, there is the "Yao Lüeh" 21/3a description:

主術者君人之事也.所以因作任督責.使群臣各盡其能也.明攝權操柄以制群下.提名責實.考之參伍.所以使人主束數持要.不妄喜怒也.其數直施而正邪.外私而立公.使百官條通而輻湊各務其業.人致其功.此主術之明也.

The "Chu Shu" chapter deals with the affairs of the ruler. It offers a way to make the various ministers exert their utmost abilities in fulfilling their responsibilities and the imperial demands. It shows how to gather and manipulate the reins of power and thereby control one's subordinates, how to hold up the claim and demand fulfilment, and how to examine them of the basis of ts'an wu. It is a way of causing the ruler to take methods in hand and grasp the essential without wantonly expressing his desire or displeasure. These methods regulate what is applied and correct any anomaly, repudiate private considerations and institute what is of benefit to all. It ensures that the bureaucracy moves freely and converges at the center, each member carrying out his duties and each man effecting worthwhile accomplishments. This then is the elucidation provided by the "Chu Shu" chapter.

While this "Yao Lüeh" description is entirely consistent with the bulk of the "Chu Shu" chapter, there is absolutely no mention of the Confucian virtues extolled in the suspect Section 18. Further, in the first seventeen sections of this chapter, there is a relative dearth of Confucian virtues. In the final section, however, the central thread linking the fragmentary passages is the reference to Confucian principles. It is certainly no overstatement to say that the contents of this final section are entirely out of keeping with the rest of the chapter.

On the basis of the evidence given above, it is the assumption of this paper that the original "Chu Shu"

text ended with the completion of Elaboration III at the end of Section 17. At an early stage, a few chien ("bamboo strips") were lost from the end of the text. At some late date, probably after the compilation of the Wen Tzu, someone added a new ending to Section 17 to round it off, and then appended some stray fragments of text which came to constitute our Section 18. If this was indeed the case, the first question which comes to mind is the source of these stray fragments. At this distance in the transmission after successive editings it is difficult to relocate these fragments in other chapters of the Huai Nan Tzu with any degree of certainty. Even so, we might compare the following passages:

9/22a

凡人思慮莫不先以為可而後行之.其是非.此愚知之所以異.

18/1b

凡人之舉事.莫不先以其知規慮揣度.而後敢以定謀.其或利或害.比(此)愚智之所以異也.

9/21b-22b

偏知萬物而不知人道.不可謂智.偏愛群生而不愛人類.不可謂仁.仁者愛其類也.智者.不可戒也.....凡人之性莫貴於仁.莫急於智.仁以為質.知以行之.兩者為本.而加之以勇力辯慧捷疾的錄巧敏.遲利聰明審察盡象為也.

20/18b-19a

故仁知人材之美者也.所謂仁者.愛人也.所謂知者知人也.愛人則天(无)虐刑矣.知人則无乱政矣.....故仁莫大於愛人.知莫大於知人.二者不立.雖察慧捷巧的綵疾力.不免於乱也.

9/22b

國有以存.人有以生.國之所以存者.仁義是也.人之所以生者.行善是也.國無義雖大必亡.人無善也.雖勇必傷.

20/15b--16a

故仁義者.治之本也.....故仁義者為厚基者也.....知伯不行仁義而務廣地.故亡其國.

It is significant that although the bulk of the "Chu Shu" chapter contains the full and frequent commentary which seems so typical of Kao Yu, several of the final fragments have only the brief and infrequent commentary characteristic of Hsü Shen. Both Chapters 18 and 20 cited above as possible original locations for parts of this stray text survive with only the Hsü Shen commentary.

PLATE IV: HUAI NAN TZU 9/19b, 9/20a

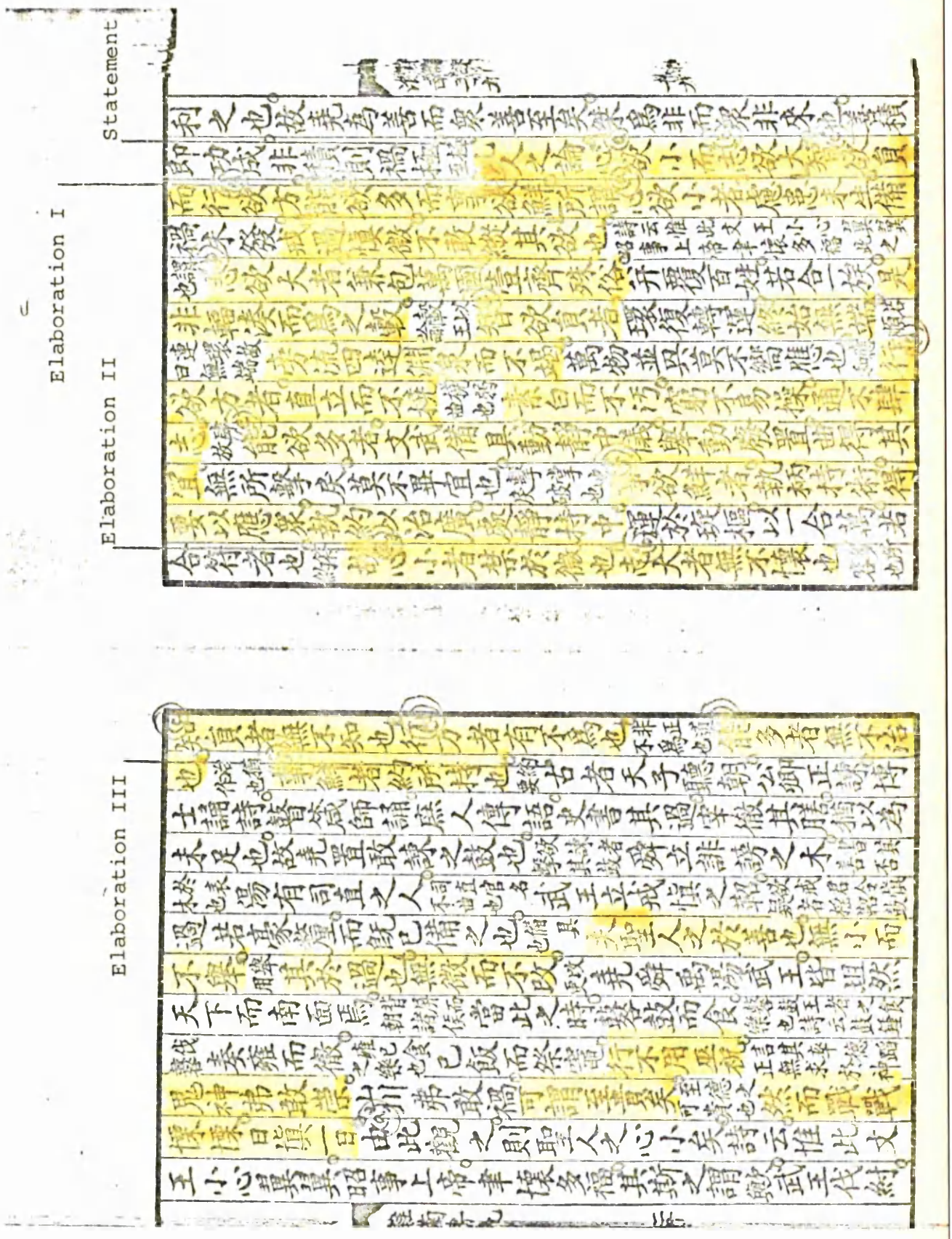
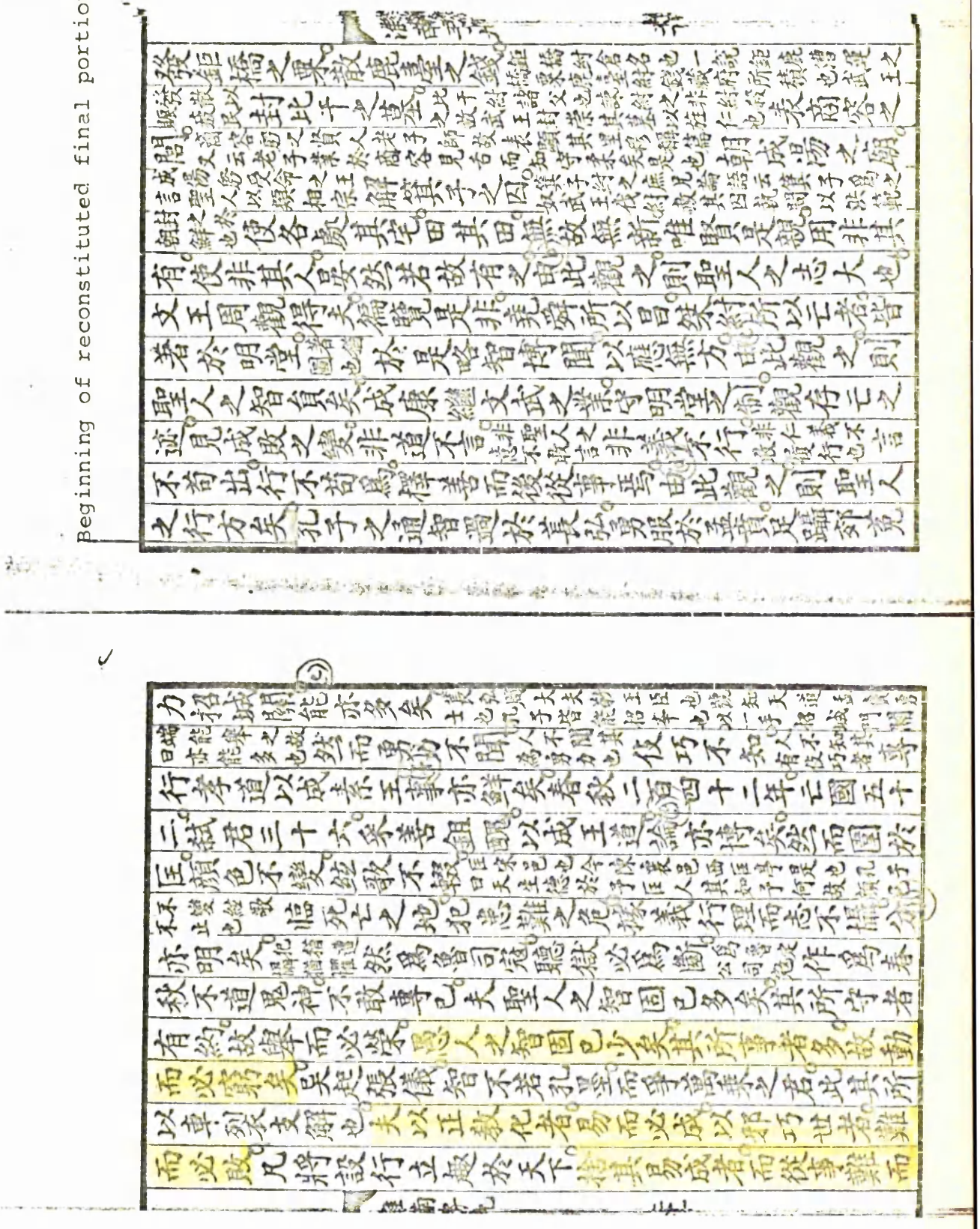


PLATE V: HUAI NAN TZU 9/20b, 9/21a



Section 18
Passage I

必敗者愚惑之所致也凡此六反者不可不察也六反謂孔墨衰弘孟賁吳起狼俾也其行拂反故曰六反也偏知萬物而不知人道不可謂智偏愛群生而不愛人類不可謂仁仁者愛其類也智者不可或也仁者雖在斷割之中其所不忍之色可見也不忍智斷割之色見於顏色也智者雖煩難之事其不闇之效可見也內恕反情心之所欲其不加諸人由近知遠由己知人此人智之所合而行也小有教而大有存也小有誅而大有寧也小教之以正故大有存也小責之以義故大有寧也非正則不存非義則不寧也唯測隱推而行之此智者之所獨斷也故仁智錯有時合合者爲正錯者爲權其義一也

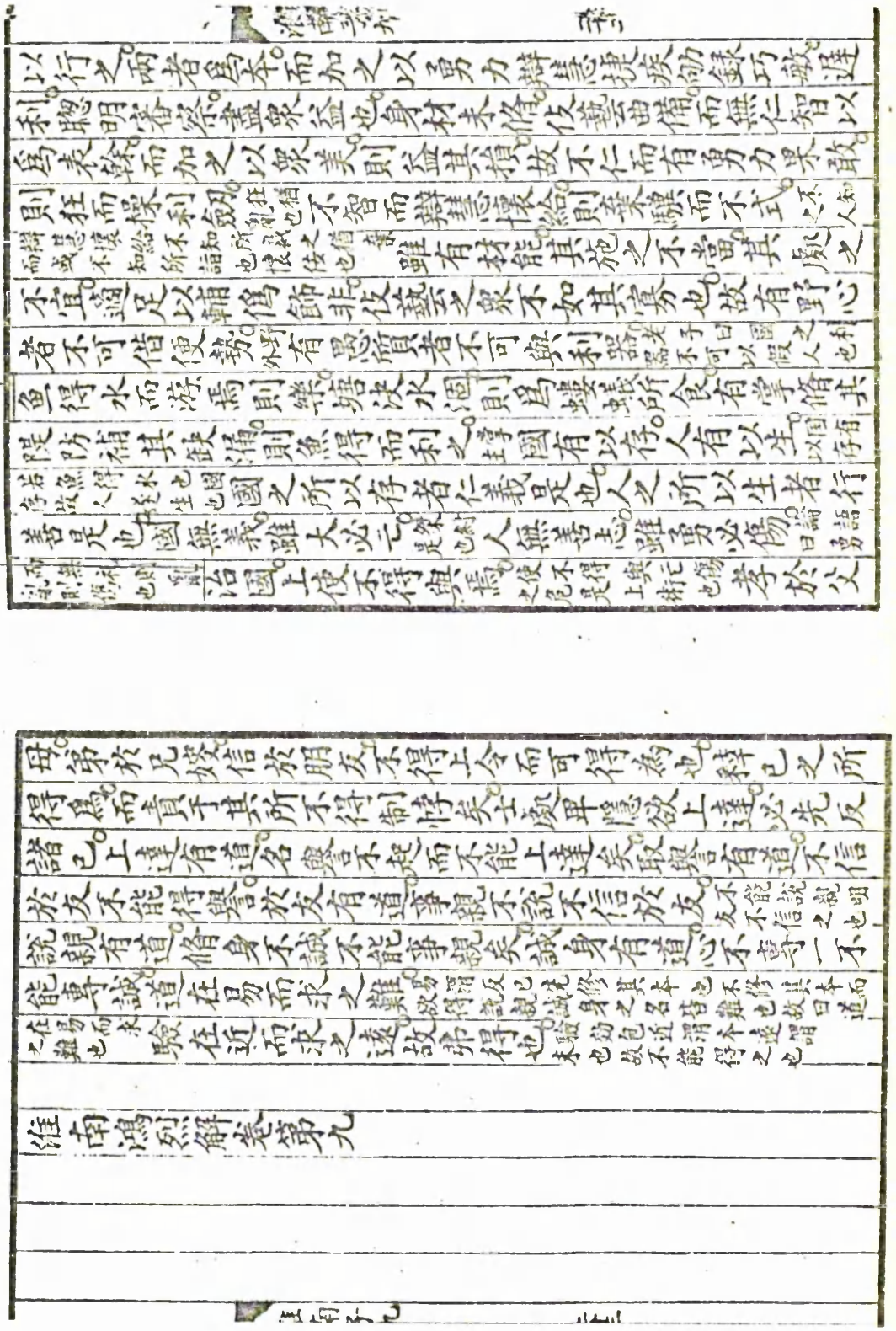
Passage II

府吏守法君子制義法而無義亦府吏也不足以爲政耕之爲事也勞織之爲事也擾〻勞之事而民不舍者知其可以衣食也人之情不能無衣食衣食之道必始於耕織

Passage III

萬民之所容見也物之若耕織者始初甚勞終必利也衆愚人之所見者寡事可權者多愚之所權者少此愚者之所多患也物之可備者智者盡備之可權者盡權之此智者所以寡患也故智者先忤而後合愚者始於樂而終於哀今日何爲而榮乎且日何爲而義乎此易言也今日何爲而義且日何爲而榮此知難也問瞽師曰白素何如曰縞然曰黑何若曰黮然援白黑而示之則不知焉人之視白黑以目言白黑以口瞽師有以言白黑無以知白黑故言白黑與人同其別白黑與人異入孝於親出忠於君無愚智賢不肖皆知其爲義也使陳忠孝行而知所出者鮮矣凡人思慮莫不先以爲可而後行之其是或非此愚知之所以異凡人之性莫貴於仁莫急於智仁以爲質知

PLATE VII: HUAI NAN TZU 9/22b, 9/23a



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